

Sections 4-469

SECTION 4. Clause Eighth of section 6 of chapter 4 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following:— Any requirement that a state agency provide public notice in a newspaper shall be equally satisfied by publication of said notice on the official website of the commonwealth. Any requirement that a city or town provide public notice in a newspaper shall be equally satisfied by publication of said notice on the official website of said city or town. Any requirement that a state authority provide public notice in a newspaper shall be equally satisfied by publication of said notice on the official website of the commonwealth or the official website of the authority. 5-15-03

SECTION 5. Section 17A of Chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the second sentence and inserting in place thereof the following:—
The cabinet shall consist of the secretary of administration and finance, the secretary of economic development, the secretary of elder affairs, the secretary of environmental affairs, the secretary of health and human services, the secretary of public safety, the secretary of transportation and construction and such other offices of the executive department as the governor may from time to time designate.

SECTION 6. Section 135 of said chapter 6, as so appearing, is hereby amended by adding at the end thereof the following paragraph:—

The fee for each identification card issued by the commission shall be no less than \$15. Said card shall be valid for five years and then may be renewed for a fee of no less than \$15. In the event of a lost or stolen card, the commission may issue a duplicate card for a fee of no less than \$10. No fee shall be collected from a person registered with the commission who is receiving supplemental security income pursuant to title XVI of the federal Social Security Act, 42 U.S.C. §1381 et seq. The commission shall determine said fees annually by regulation.

SECTION 7. Section 136 of said chapter 6, as so appearing, is hereby amended by adding at the end thereof the following paragraph:—

The commission may issue a certificate of blindness to certify that a resident of the Commonwealth is legally blind as defined herein. The commission shall charge a fee of no less than \$10 for each certificate of blindness that it issues. No fee shall be collected from a person registered with the commission who is receiving supplemental security income pursuant to Title XVI of the federal Social Security Act, 42 U.S.C. §1381 et seq. The commission shall determine said fee annually by regulation.

SECTION 8. Section 156 of chapter 6 of the General Laws, as amended by section 12 of 196 of the Acts of 2002, is hereby amended by inserting in the first sentence after the first use of the word "be", the following:—, within the Executive Office of Public Safety,

SECTION 9. Chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 172A and inserting in place thereof the following section:—

Section 172A. The criminal history systems board shall assess a fee of \$25 for each request for criminal offender record information; provided, however, that such fees shall not be assessed for such requests from a victim of crime, witness, or family member of a homicide victim, all as defined by section 1 of chapter 258B, from a governmental agency, or from such other person or group of persons as the board shall exempt. The criminal history systems board shall assess a fee of \$25 for each request for criminal offender record information from an individual seeking to obtain criminal offender record information pertaining to himself. All such fees shall be deposited into the general fund.

SECTION 10. Said chapter 6, as so appearing, is hereby amended by inserting after section 178P the following new section:—

Section 178Q. The sex offender registry board shall assess upon every sex offender a sex offender registration fee of \$75, hereinafter referred to as a 'sex offender registry fee'. Said offender shall pay said sex offender registry fee upon his initial registration as a sex offender and annually thereafter on the anniversary of said registration; provided, however, that no such fee shall be assessed or collected until the offender has either (1) waived his right to petition for an evidentiary hearing to challenge his duty to register as a sex offender as set forth in section 178L or (2) has completely exhausted the legal remedies made available to him to so challenge said duty to register pursuant to sections 178L and 178M and has not prevailed in his attempt to eliminate said duty. A sex offender's duty to pay the fee established by this section shall only terminate upon the termination of said offender's duty to register as a sex offender as set forth in section 178G.

The sex offender registry board may waive payment of said sex offender registry fee if it determines that such payment would constitute an undue hardship on said person or his family due to limited income, employment status, or any other relevant factor. Any such waiver so granted shall be in effect only during the period of time that said person is determined to be unable to pay the sex offender registry fee. The sex offender registry board shall establish procedures relative to the collection and waiver of such fee by regulation. Said sex offender registry fee shall be collected by the sex offender registry board and shall be transmitted to the treasurer for deposit into the General Fund. The sex offender registry board shall account for all such fees received and report said fees annually to the secretary of administration and finance and the house and senate committees on ways and means.

SECTION 11. Section 2 of Chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, in line 2, after the word "governor," the following: "economic development," striking out in line 2 the word "elder" and inserting in place thereof the following: "elder".

SECTION 12. Section 15A of Chapter 6A of the General Laws, as added by this act, shall be repealed on June 30, 2007.

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Said
SECTION 9. *Chapter 6 of the General Laws, as appearing in the 2000 Official Edition,* is hereby *further* amended by striking out section 172A and inserting in place thereof the following section:-

Section 172A. The criminal history systems board shall assess a fee of \$30 for each request for criminal offender record information; provided, however, that such fees shall not be assessed for such requests from a victim of crime, witness, or family member of a homicide victim, all as defined by section 1 of chapter 258B, from a governmental agency or from such other person or group of persons as the board shall exempt. The criminal history systems board may assess a fee of \$25 for each request of criminal offender record information from an individual seeking to obtain criminal offender record information pertaining to himself provided, however, that upon a showing of indigency as defined in section 27A of chapter 261, the board shall not impose a fee. All such fees shall be deposited in the general fund.

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SECTION 13: Chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 8A the following new section:—

8-B ~~Section 16A~~ EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

The powers and duties of the executive office of health and human services shall include the following: (a) serving as the principal agency of the executive branch of the commonwealth for the following purposes: (i) developing, co-coordinating, administering, and managing the health, welfare, and human services operations, policies, and programs of the commonwealth; (ii) supervising and managing the organization and conduct of the business affairs of the offices, departments, commissions, boards, divisions, institutions, and agencies within the executive office to improve administrative efficiency and preserve fiscal resources; (iii) developing and implementing effective policies and programs to improve coordination and quality of services provided by the executive office and all of its departments, offices, commissions, boards, divisions, institutions, and agencies; and (iv) acting as the director of the single state agency authorized to supervise the administration of the Title XIX State Plan under Section 1902(a)(5) of the Social Security Act, as well as the director of the single state agency for the programs under titles IV, IV(A), IV(B), and IV(E) of the Social Security Act, and under the Rehabilitation Act.

SECTION 14. Said chapter 6A, as so appearing, is hereby further amended by inserting after section 16F, the following new section:—

16-B
Section 16(a) Within the executive office of economic development, there shall be a department of business development, a department of economic affairs, and a department of workforce development, in this chapter called business development, economic affairs, and workforce development respectively. Subject to appropriation, these departments shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for necessary expenses of said departments. Said executive office may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the departments in the discharge of their duties.

(b) The following state agencies are hereby declared to be within the department of business development: the office of travel and tourism; the office of minority and women-owned business assistance.

(c) The following state agencies are hereby declared to be within the department of economic affairs: the division of occupational safety; the division of industrial accidents; the labor relations commission; ~~the bureau of municipal mediation~~ and the division of employment security.

(d) The following state agencies are hereby declared to be within the department of workforce development: the division of apprentice training and the division of one-stop career centers.

SECTION 15. Section 17C of said Chapter 6A, as so appearing, is hereby amended by striking the words "labor and workforce development" in each instance in which they appear, and inserting in place thereof, in each instance, the words "economic affairs".

SECTION 16. Section 17D of said Chapter 6A, as so appearing, is hereby amended by striking the words "labor and workforce development" in each instance in which they appear, and inserting in place thereof, in each instance, the words "economic affairs".

~~SECTION 17. Section 17E of said Chapter 6A, as so appearing, is hereby amended by striking out the entire section and inserting in place thereof, the following section:~~
~~The bureau of municipal mediation, insofar as it includes subdivisions, boards, commissions, committees and sections subject to its direction and jurisdiction, is hereby declared to be within the department of economic affairs but shall, in no respect, be subject to the jurisdiction thereof.~~

~~Nothing in this section shall be construed as conferring any powers or duties upon the director of economic affairs with respect to the foregoing agencies except as expressly provided by law.~~

SECTION 18. Said chapter 6A, as so appearing, is hereby amended by striking section 18 and inserting in place thereof the following section:

Section 18. The executive office for public safety and homeland security shall serve as the principal agency of the executive department of the government of the commonwealth for purposes of developing, coordinating, implementing and overseeing policies and programs of the commonwealth relative to public safety, criminal justice, law enforcement, homeland security and emergency preparedness and administering state and federal grant programs to provide comprehensive initiatives relative to public safety, criminal justice, law enforcement, homeland security and emergency preparedness. The secretary for public safety and homeland security shall be responsible for the exercise of all powers and the performance of all duties assigned by law to the executive office for public safety and homeland security and to any department, board, commission, committee, and other administrative unit and agency under the said office. Said secretary shall be the executive and administrative head of said office, and every department, board, commission, committee, and other administrative unit and agency within said office shall be under his control and supervision. Said secretary shall act as the executive officer of the governor in all matters pertaining to public safety, criminal justice, law enforcement, homeland security and emergency preparedness. The secretary for public safety and homeland security shall appoint no more than three undersecretaries. Each person appointed as an undersecretary shall have experience and shall know the field or functions of such positions, shall receive such salary as the secretary shall determine and shall devote his full time to the duties of the office. Said secretary shall promulgate such rules and regulations and issue orders as he deems appropriate to ensure public safety through effective law enforcement and sufficient criminal justice communication, advise the governor on all matters relative to public safety, including anti-terrorism and emergency preparedness, develop and implement such policies and procedures as he deems necessary to carry out the mission of said office and every department, board, commission, committee, and other administrative unit and agency under said office, coordinate with appropriate federal, state and local law enforcement and criminal justice agencies to develop cohesive strategies to protect the public, conduct studies and provide training as he deems appropriate to reduce crime, rehabilitate offenders and increase the effectiveness of criminal and juvenile justice and law enforcement professionals in the commonwealth, distribute state and federal grant monies and other appropriations as he

the joint labor management committee; the board of conciliation and arbitration;

deems appropriate and in accordance with the law, and have such other powers and duties as shall be assigned to him by law and that may from time to time be assigned to him by the governor in accordance with the law.

The following state agencies or boards are hereby declared to be within said executive office: the department of public safety; the department of fire services; the board of building regulations and standards; the registry of motor vehicles; the office of the chief medical examiner; the sex offender registration board; the Massachusetts criminal justice training council; the criminal systems history board; the statewide emergency telecommunications board; the department of state police; the Massachusetts emergency management agency; the military department; the department of correction; the parole board and all other agencies and boards within said departments, committees, boards and councils.

SECTION 18A. Section 4 of chapter 7 of the General Laws, as so appearing, is hereby amended by ^{adding} inserting at the end thereof the following: ~~two paragraphs~~:-

The executive office for administration and finance shall serve as the principal agency of the executive department of the government of the commonwealth for the following purposes: developing, coordinating, administering and controlling the financial policies and programs of the commonwealth; preparing and maintaining financial plans and, under the general direction and on behalf of the governor, preparing operating budget recommendations for all departments, offices, commissions, institutions and other entities of state government which receive periodic appropriations from the commonwealth; supervising the organization and conduct of the business affairs of the departments, commissions, offices, boards, divisions, institutions and other agencies within the executive department of the government of the commonwealth; developing new policies and programs which will improve the organization, structure, functions, economy, efficiency, procedures, services and administrative practices of all such departments, commissions, offices, boards, divisions, institutions and other agencies.

The secretary may, subject to the approval of the governor, appoint up to three assistant secretaries who shall receive such salary as the secretary may determine subject to the approval of the governor, provided that such salary shall not exceed the salary of the secretary. The secretary may appoint and remove such additional assistants, technical consultants, and other persons and may engage such technical and other assistance as the work of said office may require. The secretary may expend such sums of money for expenses, including traveling expenses of officers and employees serving in said office as may be appropriate, subject to appropriation. The secretary may, with the consent of the governor, appoint an undersecretary. Said undersecretary shall be a person of ability and experience; shall serve at the pleasure of the secretary; shall receive such salary as the secretary, with the approval of the governor, shall determine; and, shall devote his entire time to the duties of his office. He shall exercise such authority and discharge such duties of the secretary as the secretary may from time to time delegate to him; and in the absence or incapacity of the secretary or in the event of a vacancy in the position of the secretary, the said undersecretary shall act as the secretary until the absence or incapacity shall have terminated or the vacancy shall have been filled.

SECTION 19. Paragraph (4) of Section 54 of Chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in the first sentence, the words "in the most cost-efficient manner" and inserting in place thereof the following:— according to agency accounting records ^{lines 55 and 56}

SECTION 19A. Paragraph (4) of Section 54 of Chapter 7 of the General Laws, ^{added} as amended by this act, is hereby amended by striking out, in the first sentence, the words "according to agency accounting records" and inserting in place thereof the following:— in the most cost-efficient manner ^{inserted section 19.06}

SECTION 20. Subsection (a) of section 18 of chapter 7A of the General Laws, ^{added} as inserted by section 8 of chapter 184 of the acts of 2002, is hereby further amended by inserting, after the words "agency of a city or town" in all instances these words appear, the following words:— , housing authority,

SECTION 21. Section 10 of chapter 10 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the second paragraph and inserting in place thereof the following:— ^{paragraph}

The Treasurer shall prepare and submit to the house and senate committees on ways and means on or before the last day of August, November, February, and May, official cash flow projections for the current fiscal year and for the fiscal quarters beginning October 1, January 1, April 1, and July 1, respectively.

SECTION 22. Section 35D of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 23. Section 35G of chapter 10 of the General Laws, ^{said} as most recently amended by section 9 of chapter 184 of the acts of 2002, is hereby repealed.

SECTION 24. Section 35H of chapter 10 of the General Laws, ^{said} as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 25. Section 35J of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 26. Section 35L of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 27. Section 35Q of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 28. Section 35S of chapter 10 of the General Laws, ^{said} as most recently amended by section 6 of chapter 300 of the acts of 2002, is hereby repealed.

SECTION 29. Section 35X of chapter 10 of the General Laws, ^{said} as so inserted by chapter 184 of the acts of 2002, is hereby further amended by inserting at the end thereof the following new subsection:— ^{adding}

(c) Notwithstanding the provision of any general or special law to the contrary, the secretary of administration and finance, following a public hearing, shall increase the fee for obtaining of renewing a license, certificate, registration, permit or authority issued by a board within the department of public health by an additional amount not to exceed 50 percent, rounded to the nearest dollar, of the fees in effect prior to the fee increases authorized pursuant to subsection (b), provided that, the fees for any board that have not increased fees pursuant to subsection (b) shall be increased by an amount not to exceed 100 percent.

after the seventh instance

SECTION 30. Section 47 of chapter 10 of the General Laws, as ^{said as appearing in the 2000 Official Edition,} most recently amended by section 6 of chapter 300 of the acts of 2002, is hereby amended in line 82 by inserting the following sentence after the word "year":
The state treasurer and state auditor shall be equally responsible for all administrative costs associated with board.

SECTION 31. Section 49 of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 32. Section 51 of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 33. Section 59 of said chapter 10, ~~as so appearing~~, is hereby repealed.

SECTION 34. Section 23 of chapter 16 of the General Laws, ~~as appearing in the 2000 Official Edition~~, is hereby repealed.

SECTION 35. Section 5G of chapter 18 of the General Laws, as ~~most recently~~ ^{amended} amended by section 10 of chapter 177 of the acts of 2001, is hereby further amended by inserting at the end thereof the following sentence:— Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, all insurers doing business in the commonwealth, shall provide information requested by the department of transitional assistance and the division of medical assistance for use by said agencies for any purpose related to the administration of their programs, including the recovery of public assistance benefits under this section and section 22 of chapter 118E.

SECTION 36. Section 4B of chapter 19A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the fifth paragraph and inserting in place thereof the following paragraph:—

ASAP responsibilities for Medicaid-related functions shall be those established by said interagency service agreement. Substantive changes to the terms and provisions of any such agreement, including changes to the functional responsibilities of ASAPs as defined in this section, shall be negotiated and made after a determination by the division that such changes are necessary as a result of changes in federally reimbursable services, rates of federal reimbursement rates or state fiscal demands or that such changes will promote a comprehensive, cost-effective or coordinated system of long term care.

SECTION 37. Chapter 20 of the General Laws, ^{as} appearing in the 2000 Official Edition, is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. There shall be a division of food, agriculture and land preservation within the department of conservation and agriculture, under the supervision and control of a board of food, agriculture, and land preservation, hereinafter called the board, consisting of 7 members each of whom shall be from a different county, to be appointed by the governor. ~~At least 4 members of the board shall be farmers whose principal vocation is the production of food and fiber.~~ Upon the expiration of the term of office of a member of the board, his successor shall be appointed by the governor for a term of seven years, or until qualification of his successor.

The board shall meet not less than 6 times a year or at the call of the chairman and at such times as shall be determined by its rules or at the request of the commissioner or the call of any 3 members. The chairman shall be annually appointed by a majority of said board present and voting thereon. Board members shall receive \$50 for each day or portion thereof spent in the discharge of their official duties not to exceed \$600 per year and shall be reimbursed for the travel to and from official board meetings and other expenses necessary to conduct such meetings.

There shall be a director of food, agriculture and land preservation who shall be appointed and may be removed by the commissioner of conservation and agriculture.

SECTION 38. Sections ^{to} 2 through 22, inclusive, of said Chapter 20 of the General Laws, ~~as so appearing~~, are hereby repealed.

SECTION 39. Chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the phrase "department of environmental management" in each instance in which they appear and inserting in place thereof in each instance the following:— "department of conservation and agriculture"

SECTION 40. Said chapter 21, as so appearing, is hereby amended by striking out the phrase "department of fisheries, wildlife and environmental law enforcement" in each instance in which they appear and inserting in place thereof in each instance the following:— "division of fisheries, wildlife and environmental law enforcement"

SECTION 41. Said chapter 21, as so appearing, is hereby amended by striking out the phrase "board of environmental management" in each instance in which they appear and inserting in place thereof in each instance the following:— "board of food, agriculture and land preservation"

SECTION 42. Said chapter 21, as so appearing, is hereby amended by striking out the words "division of marine fisheries" in each instance in which they appear and inserting in place thereof in each instance the following:— "subdivision of marine fisheries"

Three members of the board shall be farmers whose professional occupation is the production of food, two members of the board shall be licensed foresters engaged in the practice of forestry, and two members of the board shall be representatives of land conservation organizations headquartered in the commonwealth.

~~SECTION 43. Said chapter 21, as so appearing, is hereby amended by striking out the words "division of fisheries and wildlife" in each instance in which they appear and inserting in place thereof in each instance the following:— "subdivision of fisheries and wildlife"~~

~~SECTION 44. Section 1 of chapter 21 of the General Laws, as amended by chapter 246 of the Acts of 2002, is hereby amended by striking said section 1 and inserting in place thereof the following section:—~~

~~Section 1. There shall be a department of conservation and agriculture, in this chapter called the "department". It shall be the duty of said department to exercise general care and oversight of the natural resources of the commonwealth and of its adjacent waters; to make investigations and to carry on research relative thereto; and to propose and carry out measures for the protection, conservation, control, use, increase, and development thereof.~~

~~The words "natural resources", as used herein, shall be held to include ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds; wild mammals and game; sea and fresh water fish of every description; forests and all uncultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits.~~

~~In carrying out its duties the department shall cooperate with the departments of parks and recreation, public health, public works, the University of Massachusetts, and such other departments, boards, officials, and institutions of the commonwealth or its subdivisions as may be concerned with matters under its supervision. It shall cooperate with adjoining states, and with the United States of America or any agency thereof, as authorized by the general court, and receive and dispense such funds from such agencies as shall be authorized by the general court.~~

~~The department shall consist of a division of fisheries, wildlife and environmental law enforcement, a division of food, agriculture and land preservation, and a division of water resources. Each such division shall be under the administrative supervision of a director.~~

~~There shall be a commissioner of conservation and agriculture who shall be appointed and may be removed by the secretary of environmental affairs with the approval of the governor. Said commissioner shall have charge of the administration of the department. The department may expend for traveling expenses of its employees incurred in the performance of their official duties and for other necessary expenses of the department, such sums as may be appropriated.~~

~~SECTION 45. Chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting the following sections:—~~

~~Section 1A. The position of commissioner shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30, and the commissioner shall receive traveling expenses incurred in his official duties, and shall devote his full time during business hours to the duties of his office.~~

~~Section 1B. The commissioner shall be the executive and administrative head of the department and shall have charge of the administration and enforcement of all laws which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations.~~

~~Section 1C. The commissioner, with the approval of the board of conservation and agriculture, may appoint an assistant commissioner and with like approval may remove him.~~

~~Section 1D. The position of assistant commissioner shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30, and the assistant commissioner shall receive traveling expenses incurred in his official duties, and shall devote his full time during business hours to the duties of his office.~~

~~Section 1E. There shall be established an intern scholarship program which shall be administered by the commissioner. The commissioner, subject to appropriation and grants from other sources, may grant scholarships providing for the payment of room, board, tuition and other fees to any person who is eligible to attend an accredited college or university and who enrolls at such college or university in a course of study leading to a degree in the field of animal health, satisfactory to the commissioner. In no event shall any student receive such scholarship aid for more than 4 years.~~

~~To be eligible for such scholarship a person shall (1) be a citizen of the United States and a resident of the commonwealth; (2) be a high school graduate or have an equivalent education; (3) have been accepted for admission as a regular student in an accredited college or university approved by the commissioner to pursue a course of instruction satisfactory to the commissioner; (4) contract, with the consent of his parent or legal guardian if he is a minor, with the commissioner or his designated representative, to serve with the department for a period of 3 years following his graduation, and to serve with the department during the regular periods of summer vacation while attending such college or university except for such vacation periods as the commissioner may establish by regulation; provided, however, that the department shall not be liable to pay wages to said student during said vacation periods.~~

~~Service rendered to the department by a recipient of such a scholarship during the 3 year period following his graduation, and during the regular periods of summer vacation, and such other vacation periods as the commissioner may determine, shall not be subject to the provisions of chapter 31.~~

~~The commissioner may, subject to available appropriations and grants from other sources, establish within the department a scholarship program of graduate study for eligible persons wishing to attend any accredited graduate program at a college or university satisfactory to the commissioner. The scholarship awards or aid granted by the commissioner under this section shall be on a competitive basis. The commissioner may adopt such rules and regulations as he deems necessary to carry out the programs authorized by this section.~~

~~Any money expended under authority of this section shall be paid from the Agricultural Purposes Fund.~~

~~Section 1F. There shall be in the division of food, agriculture and land preservation a committee to be known as the equine advisory committee which shall consist of seven members to be appointed by the commissioner. Two members shall be nominated by the Massachusetts Farm Bureau Federation, one by the Massachusetts Association of Stable Owners, Operators and Instructors, one by the Massachusetts Horsemen's Council, one by the Yankee Draft Horse Association, and one each representing the standardbred and thoroughbred breeding industry in the commonwealth. Of the members first appointed hereunder, one shall be appointed for a term of 1 year, 2 for a term of 2 years, one for a term of 3 years, 2 for a term of 4 years, and 1 for a term of 5 years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of 5 years. The committee shall elect its own chairman and clerk, and shall keep accurate~~

records of its meetings. The members of the committee shall serve without compensation and shall meet at least annually to advise the director on matters related to the viability of equine agriculture in the commonwealth.

~~Section 1C. There shall be in the division of food, agriculture and land preservation a committee to be known as the Massachusetts standardbred agricultural fair and breeding fund committee which shall consist of 5 members to be appointed by the governor, of whom 2 shall be familiar with standardbred breeding, 1 of whom shall be a member of the Massachusetts Fair Association, and 1 shall be a member of the Massachusetts Farm Bureau Federation. Of the members first appointed hereunder, 1 shall be appointed for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, 1 for a term of 4 years and 1 for a term of 5 years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of 5 years. The committee shall elect its own chairman and clerk, and shall keep accurate records of its meetings. The members of the committee shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their official duties.~~

~~Section 1H. The Massachusetts standardbred agricultural fair and breeding fund committee shall aid the director of food, agriculture and land preservation and the board of food, agriculture and land preservation in the promotion, development and encouragement of the breeding of standardbred horses in the commonwealth and shall, subject to appropriation, distribute, under the supervision of the commissioner and the board the following funds:- (a) An annual fee of \$200 as reimbursement for breeding and boarding fees shall be paid to any member of a 4H Club, the Future Farmers of America, or the Junior Hunt Club who resides in the commonwealth and owns a standardbred mare which is registered with the United States Trotting Association, provided, that said mare stays the full year in the commonwealth, and provided further, that said aforementioned club or organization is supervised by a council or committee of adults, whose officers shall establish operating policies under direction of the director of agriculture, whereby each such club or organization will be required to report on its activities to said director in order to determine the eligibility of a member to qualify for the reimbursement provided by this paragraph. (b) An amount not exceeding \$2,000 annually for reimbursement to each county agricultural society and each independent agricultural society conducting Massachusetts standardbred agricultural fair and breeding colt races, for track and stable maintenance, starting gate rental and the cost of all required harness horse racing officials. (c) An amount not exceeding \$5,600 annually for reimbursement to each county agricultural society and each independent agricultural society conducting races for two and three year old colts and fillies, for payment equal to the premium for each such race. No colt or filly shall be eligible to race in this program unless sired by a stallion standing full season in Massachusetts, and registered with the department and registered with the Massachusetts Standardbred Breeders and Owners Association. If any owner violates such provision relative to eligibility, the purse shall be forfeited and the owner shall be criminally liable for obtaining money under false pretenses. (d) An amount of \$1,000 annually for payment to the owner of the stallion which sired the horses whose total earnings from the Massachusetts standardbred agricultural fair and breeding fund were first, second or third in any calendar year. Said awards shall be in the amounts of \$500, \$300, and \$200, respectively. No owner shall be eligible for payment unless the stallion stood a full season in Massachusetts and the owner has annually filed with the department prior to November first a list of all mares bred to said stallion. (e) An amount to aid in the promotion, development and encouragement of the breeding of standardbred horses, to the breeder of a Massachusetts standardbred horse equal to 20 per cent of the first, second or third prize, according to the position in which said horse officially finished in a pari-mutuel standardbred horse race conducted in the commonwealth and a further amount equal to 25 per cent of the amount awarded to the breeder of said horse, to the owner of the stallion which sired said horse provided the said stallion stands in the commonwealth and the owner has annually filed with the department prior to November first a list of all mares bred to said stallion. No person shall be eligible for the prizes provided herein unless the following standards are met:~~

- ~~(1) The said Massachusetts standardbred horse shall have been conceived and foaled in the commonwealth.~~
- ~~(2) In determining the foaling place of said Massachusetts bred horse, the foaling certificate issued by the United States Trotting Association shall be evidence thereof.~~
- ~~(3) The stallion shall have been based in the commonwealth at the time of conception of said foal to the aforementioned mare.~~

~~Section 1I. The Massachusetts standardbred agricultural fair and breeding fund committee shall establish a colt futurity program and shall establish rules and regulations to conduct the same.~~

Section 1J The following words, as used in the following 5 sections shall have the following meanings, unless the context otherwise requires:

""Agriculture" and "farming", as defined in section 1A of chapter 128.

""Arbor", an area of land devoted to the propagation and cultivation of fruitbearing trees and shrubs, and nut trees.

""Bureau", the bureau of land use in the subdivision of agricultural development.

""Chief", the chief of the bureau of land use.

""Elderly persons of low income", persons having reached the age of 65 or over whose annual income is less than the amount necessary to enable them to maintain a decent standard of living, except that where there exists a surplus of land appropriate for garden use, the age requirement may be reduced by the director to age 62, provided that the oldest of the applicants between 62 and 65 is given preference.

""Families of low income", families and persons whose net annual income is less than the amount necessary to enable them to maintain a decent standard of living.

""Farm", a body of land devoted to agriculture.

""Garden", a piece of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables.

""Use", when applied to gardening; to make use of, without conveyance of title or any other ownership.

""Vacant public land", any land owned by the commonwealth, or any county or municipality therein, that is not in use for public purpose.

Section 1K Any person may make application to the bureau of land use on a form to be furnished by the bureau for a permit to use available vacant public land for garden, arbor, or farm purposes. Applicants shall submit a plan for said use and shall agree to maintain the land in a condition consistent with said land use plan, and shall agree to abide by the rules and regulations promulgated by said bureau. Failure to carry out the conditions of agreement shall result in the forfeiture of the garden, arbor or farm permit. Any person who is granted the use of garden, arbor, or farm land shall indemnify and save harmless the commonwealth, the department of conservation and agriculture and all of its officers, agents and employees against suits and claims of liability of each name and nature arising out of, or in consequence of the use of vacant public land.

Section 1L. Priority in the allotment of vacant public land for garden and arbor purposes shall be given to elderly persons of low income, families of low income and children between the ages of 7 and 16, inclusive. Products grown in gardens and arbors shall not be sold.

Section 1 M. The bureau shall, with the cooperation of other state agencies and cities and towns, compile a list of all vacant land, that in the opinion of the said agencies and cities and towns, can be feasibly used for gardening, arbor culture or farming. The bureau shall, by letters of agreement, contract with such agencies or cities and towns for the use of said vacant land. Contracts may contain a termination date. If no date is determined, either party may terminate the contract by written notice given within 60 days; provided, however, that no contract may be terminated until the end of the harvest season. The bureau shall notify the gardeners or farmers of said notice of termination.

Section 1N. Owners of land may make available to the bureau parcels of land for the purposes set forth in section 14 under such terms and conditions as may be agreed upon between the owners and the bureau, and the commonwealth, the department and all of its officers, agents and employees shall be saved harmless as provided in said section fourteen.

Section 1O. The commissioner, after a public hearing, shall adopt and promulgate rules and regulations in accordance with the provisions of chapter 30A and consistent with sections 13 to 17, inclusive.

Section 1P. Any person aggrieved by a decision of the commissioner may, within 10 days after such decision, appeal therefrom, by petition to the superior court in the county he resides in, or the county of Suffolk. The court shall hear such petitions speedily in accordance with the usual course of procedure in equity, and may affirm, modify or revoke such decision.

Section 1Q. There shall be a Milk Producers Security Fund set up in the department of conservation and agriculture for the purpose of reimbursing Massachusetts producers who sold milk to a dealer and said dealer has defaulted in the timely payment for said milk under the provisions of chapter 94A, or orders, rules or regulations issued under the authority thereof, or of a federal milk marketing order. Each such producer shall notify the commissioner in writing of any default in such payment within 90 days after the date on which payment of milk is regularly due. If there is reason to believe that the dealer is in arrears in his payments to producers for milk received by him, the commissioner shall give notice to all producers so affected to file verified claims with the commissioner. The commissioner shall examine all claims so filed and shall certify the amounts determined to be due thereon, and transmit the same for payment to the state treasurer under the provisions of section 48 of chapter 10.

Section 1R. The dealer of milk in the commonwealth who first received milk from Massachusetts producers, shall pay on or before the due date of payment to the producers, the amount of 5 cents per hundred weight on the volume of all the milk purchased from said producers and such payments shall be deposited with the state treasurer in the Milk Producers Security Fund established by section 48 of chapter 10. Payment as provided in this section shall be made for all milk shipped to a dealer by a producer who is not a member of a cooperative association which guarantees payment where there is a default in the payment for milk. Payment shall be deducted by the dealer from monies owed by the dealer to the producers in the amount of 5 cents per hundred weight.

The commissioner may suspend the requirements of the previous paragraph from time to time for such a length of time as deemed necessary, but not exceeding 2 years, upon determination that the interests of the producers would be best served by a suspension; provided, however, that the commissioner shall not suspend said requirements if the balance of said fund does not exceed \$100,000. The commissioner shall provide 30 days' written notice of any suspension or reinstatement of payments into said fund to the house and senate committees on ways and means and to all dealers and producers affected.

Section 1S. Notwithstanding the requirements of sections 40F to 40I, inclusive, of chapter 7, the department may acquire non-development covenants for terms of limited duration. The department shall adopt regulations to carry out the provisions of this section.

in the 2000 Official Edition
SECTION 46. Said chapter 21, as so appearing, is hereby amended by striking out section 2 and inserting in place thereof the following section:—

Section 2. The department shall be under the control of a board, which board shall consist of 15 members appointed by the governor for terms of 7 years. Seven members shall be from the board of food, agriculture and land preservation, 7 members of the board of fisheries, wildlife and environmental law enforcement and the commissioner of conservation and agriculture. Upon the expiration of the terms of the current members of the board, all additional appointments by the governor, except those made to fill a vacancy in an unexpired term, shall be for terms of seven years.

SECTION 47. Said chapter 21, as so appearing, is hereby amended by striking out section 4 and inserting in place thereof the following section:—

Section 4. The subdivision of forestry shall be under the administrative supervision of the director of the division of food, agriculture and land preservation.

SECTION 48. Said chapter 21, as so appearing, is hereby amended by striking out section 4A and inserting in place thereof the following section:—

Section 4A. The director of the division of food, agriculture and land preservation with the approval of the commissioner, may make rules and regulations for the government and use of all property under the control of the subdivision of forestry, including all roads and highways wholly or in part within the boundaries of such property, including rules and regulations relative to hunting and fishing within such boundaries, except in great ponds, not inconsistent with the laws protecting fish, birds and mammals. Such rules and regulations may also provide for the payment of fees and other charges for the parking of vehicles and for the enjoyment of other special privileges within the territory under such control. The director shall cause such rules and regulations to be posted in the territory to which they apply. The sworn certificate of the director that the same have been so posted shall be prima facie evidence thereof. Violation of such rule or regulation shall be punished by a fine not exceeding \$100. The director, subject to the approval of the commissioner, may grant concessions for the sale of refreshments and other articles and the furnishing of services within any such territory.

Forest supervisors and laborers employed by the division, while employed in state forests, forest parks, or reservations, including roads and highways, shall, within the limits of said forests, or reservations, except great ponds, have and exercise all the powers and duties of constables, and of police officers, except service of civil process, if so authorized in writing by the director.

The enforcement officers of the subdivision of law enforcement shall, within the limits of such forests or reservations, including roads and highways, except great ponds, have and exercise all the powers and duties of constables and of police officers except service of civil process.

SECTION 49. Said chapter 21, ~~as so appearing~~ ^{further}, is hereby amended by striking out section 4B ^{as so appearing} and inserting in place thereof the following section:—

Section 4B. There shall be within the subdivision of forestry a bureau of forest fire control under the direction and control of a chief fire warden and a bureau of forestry under the direction and control of a chief forester.

SECTION 50. Said chapter 21, ~~as so appearing~~ ^{in the 2000 Official Edition}, is hereby amended by striking out section 4E ^{of} ~~section 4E~~ ^{repealed}.

SECTION 51. Said chapter 21, ~~as so appearing~~ ^{in the 2000 Official Edition}, is hereby amended by striking out section 5, inserting in place thereof the following:—

Section 5. The subdivision of marine fisheries shall be within the division of fisheries, wildlife and environmental law enforcement in the department of conservation and agriculture and shall be under the administrative supervision of a director who shall be called the director of marine fisheries. The said subdivision of marine fisheries shall administer all the laws relating to marine fisheries as appearing in chapter 130 and any other general or special laws, except as pertain to the enforcement thereof. It shall be responsible for the biological development of marine fish and fisheries. Said subdivision shall cooperate with all departments, boards, officials and institutions of the commonwealth or its subdivisions that may be concerned in any way with matters under its supervision. Said subdivision shall cooperate with adjoining states and with the United States of America, or any agency thereof, with foreign countries, and any other agency, as may be authorized by the general court, and receive and dispense such funds from any of such agencies, states or governments as may be authorized by the general court.

SECTION 52. Section 6 of said chapter 21, as so appearing, is hereby amended by striking out lines 1 through 8 ^{the first, second and third sentences} inserting in place thereof the following ^{three sentences}:—

~~Section 6.~~ The subdivision of law enforcement shall be within the division of fisheries, wildlife and environmental law enforcement in the department of conservation and agriculture and shall be under the supervision of a director who shall be called the director of law enforcement. The director shall be qualified by training, experience and executive ability and shall not be subject to the provisions of chapter 31. The commissioner of the department of conservation and agriculture shall appoint said director ^{and may remove him with the approval of the secretary.}

SECTION 53. Section 6C of said chapter 21, as so appearing, is hereby amended by striking out in lines 7 and 8, the words "fisheries, wildlife and environmental law enforcement" and inserting in place thereof the following:— "conservation and agriculture"

SECTION 54. Section 6F of said chapter 21, as so appearing, is hereby amended by striking out paragraphs 8 and 9 ^{the eighth and ninth} and inserting in place thereof the following ^{two paragraphs}:—

"The director of the division of fisheries, wildlife, and environmental law enforcement shall adopt rules and regulations consistent with the provisions of this chapter and shall file said regulations in accordance with the provisions of sections 37 of chapter 30.

All fines, penalties and forfeitures in actions under this section or section 6F1/2 shall be paid to the general fund of the city or town in which the violation occurred; provided, however, that if the complaining officer is receiving compensation from the commonwealth, such fines, penalties and forfeitures shall be paid to the commonwealth; and provided, further, that if the complaining officer is an environmental police officer or deputy environmental police officer, such fines, penalties and forfeitures shall be retained by the division of law enforcement; and provided, further, that if the complaining officer is a chief park ranger or park ranger, such fines, penalties or forfeitures, in addition to those imposed pursuant to section 16 of chapter 270, shall be forwarded to the department of conservation and agriculture to be deposited as revenue and shall be applicable to the department's retained revenue account. At the end of each fiscal year, the subdivision of law enforcement shall pay the General Fund an amount equivalent to the sum of all fines, penalties and forfeitures received by the subdivision of law enforcement during such fiscal year for violations of chapter one hundred and 31 or the regulation promulgated thereunder.

SECTION 55. Section 6I of said chapter 21, ~~as so appearing~~ ^{in the 2000 Official Edition}, is hereby repealed.

SECTION 56. Said chapter 21, ~~as so appearing~~ ^{in the 2000 Official Edition}, is hereby amended by striking out section 7 ^{and} inserting in place thereof the following ^{section}:—

Section 7. The subdivision of fisheries and wildlife shall be within the division of fisheries, wildlife and environmental law enforcement in the department of conservation and agriculture and shall be under the supervision and control of the fisheries and wildlife board, hereinafter called the board, which shall consist of 7 members to be appointed by the governor for terms of 5 years. Five board members shall be appointed from 1 of each of the 5 fish and game districts, at least 1 of whom shall have been actively engaged in farming on land owned by him for a period of not less than 5 years. Two board members shall be appointed at large, shall be particularly interested in the propagation, protection, research and management of wild birds and mammals and any, so-called, endangered species and 1 of whom shall be a wildlife biologist.

SECTION 57. Section 7G of chapter 21 ^{said} of the General Laws, as amended by chapter 29 of Acts of 2002, is hereby amended by striking out in lines 2 and 8, the word "division" and inserting in place thereof the following:— "subdivision" ^{so appearing}.

SECTION 58. Section 7G of said chapter 21, as so appearing, is hereby amended by striking out in lines 4 and 5, the word "division" and inserting in place thereof the following:— "subdivision" ^{further} ^{in the 2000 Official Edition}.

SECTION 59. Section 14 of chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following ^{paragraph}:—

Section 17A. There shall be in the department of conservation and agriculture a board to be known as the public access board composed of the director of the subdivision of fisheries and wildlife, the director of the subdivision of environmental law enforcement, and the director of the subdivision of marine fisheries, and the director of the division of state parks and recreation or their respective designees and the chairmanship of said board shall be by vote of said members. The board shall meet at the call of the chairman and shall by majority vote designate locations of public access to great ponds and other waters within the commonwealth and locations of trails and paths for snowmobiling, hiking, skiing or other uses; provided, however, that no location shall

be so designated except after a public hearing in the city or town in which it is situated. Notice of such hearing shall be given in the case of a city, to its mayor and in the case of a town, to its board of selectmen at least twenty days before the date of the hearing. The department shall, after receiving written notice of such designation, acquire by purchase, gift, or lease or, with the consent of the governor, by eminent domain such land and water areas, or interests and easements therein, which have been designated by said board for the purpose of providing such public access, trails and related facilities, or it may utilize public lands with the consent of the department or other public agency in charge thereof. The department may construct such roads, parking areas, docks, ramps, trails, shelters, comfort stations and related facilities as may be designated by said board and shall maintain, operate and improve such facilities and associated land and water areas; provided, however, that the department may enter into agreements with other public agencies to transfer operation of such areas to said agency. The department may adopt, after public hearing, regulations governing the use of land and water areas under this section, violation of which may be punished by a fine of not more than one hundred dollars and which may be enforced by any employee of the commonwealth, or of a city or town, having police powers. The cost of such acquisition, construction, maintenance, operation and improvement, and the administrative and other expenses, including planning, incurred by the department in connection with the activities authorized by this section shall be chargeable to the General Fund. The board may purchase from sums appropriated safety, rescue, patrol and maintenance equipment and may transfer the same to agencies of the commonwealth having responsibilities for law enforcement or management of public lands.

All meetings of the board shall be public meetings subject to the provisions of section 23B of chapter 39.

Section 17B. The commissioners of the department of conservation and agriculture and the department of parks and recreation, with the approval of the public access board may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife, fresh water fisheries, and irreplaceable wild, scenic and recreational river resources, adopt, amend, modify, or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting the scenic and recreational rivers and streams of the commonwealth. The notice required by section two of chapter thirty A as a condition precedent to the adoption or amendment of any regulation shall be given to each assessed owner of any land on the banks of any such river or stream. In this section, the term "scenic and recreational rivers and streams of the commonwealth" shall mean, rivers and streams of the commonwealth or portions thereof, and such contiguous land not to exceed one hundred yards on either side of the natural bank of such river as the commissioner reasonably deems it necessary to protect by any such order.

In order to carry out the provisions of clause (1) the division shall be the contracting authority for the construction of any works of improvement involving assistance from the commonwealth, but shall designate the appropriate department or departments of the commonwealth or subdivision or subdivisions thereof as the agent or agents of the division for the purpose of making such contracts or performing the work of construction; provided, that whenever said works of improvement involve stream clearance, channel improvement or construction of dams the division shall designate the subdivision of waterways in the department of conservation and agriculture as the contracting agent, except that when the work to be done involves property under the care and control of department of parks and recreation the division shall designate the said department of parks and recreation as the contracting agent.

SECTION 60. Said chapter 21, as so appearing, is hereby amended by striking out sections 17A and 17B, inserting ^{further}

~~Section 17A. There shall be in the department of parks and recreation a board to be known as the public access board composed of the director of the division of urban parks and recreation, the director of the division of state parks and recreation, and the chairmanship of said board shall be by vote of said members. The board shall meet at the call of the chairman and shall by majority vote designate locations of public access to great ponds and other waters within the commonwealth and locations of trails and paths for snowmobiling, hiking, skiing or other uses; provided, however, that no location shall be so designated except after a public hearing in the city or town in which it is situated. Notice of such hearing shall be given in the case of a city, to its mayor and in the case of a town, to its board of selectmen at least twenty days before the date of the hearing. The department shall, after receiving written notice of such designation, acquire by purchase, gift, or lease or, with the consent of the governor, by eminent domain such land and water areas, or interests and easements therein, which have been designated by said board for the purpose of providing such public access, trails and related facilities, or it may utilize public lands with the consent of the department or other public agency in charge thereof. The department may construct such roads, parking areas, docks, ramps, trails, shelters, comfort stations and related facilities as may be designated by said board and shall maintain, operate and improve such facilities and associated operation of such areas to said agency. The department may enter into agreements with other public agencies to transfer water areas under this section, violation of which may be punished by a fine of not more than one hundred dollars and which may be enforced by any employee of the commonwealth, or of a city or town, having police powers. The cost of such acquisition, construction, maintenance, operation and improvement, and the administrative and other expenses, including planning, incurred by the department in connection with the activities authorized by this section shall be chargeable to the General Fund. The board may purchase from sums appropriated safety, rescue, patrol and maintenance equipment and may transfer the same to agencies of the commonwealth having responsibilities for law enforcement or management of public lands.~~

~~Section 17B. The commissioner of parks and recreation, with the approval of the public access board may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife, fresh water fisheries, and irreplaceable wild, scenic and recreational river resources, adopt, amend, modify, or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting the scenic and recreational rivers and streams of the commonwealth. The notice required by section two of chapter thirty A as a condition precedent to the adoption or amendment of any regulation shall be given to each assessed owner of any land on the banks of any such river or stream. In this section, the term "scenic and recreational rivers and streams of the commonwealth" shall mean, rivers and streams of the commonwealth or portions thereof, and such contiguous land not to exceed one hundred yards on either side of the natural bank of such river as the commissioner reasonably deems it necessary to protect by any such order.~~

The commissioner, with the approval of said board, may, for the purpose of protecting the scenic and recreational rivers and streams of the commonwealth, provide for the restriction and classification of the waters of said rivers and streams for scenic or recreational purposes. Signs indicating such restriction or classification shall be posted by the department at reasonable intervals along the banks of said rivers and streams.

Upon adoption of any such order or any order amending, modifying or appealing the same, the commissioner shall cause a copy thereof, together with a plan of the river or stream or portion thereof affected and a list of the assessed owners of such lands, to be recorded in the registry of deeds for the county wherein said river or stream is located, and shall mail a copy of such order and plan to each assessed owner of such lands affected thereby. Such order shall not be subject to the provisions of chapter one hundred and eighty-four. Any person who violates any such order shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not more than six months, or both.

The superior court shall have jurisdiction in equity to restrain violations of such orders.

Any person having a recorded interest in land affected by any such order, may, within ninety days after receiving notice thereof, petition the superior court to determine whether such order unreasonably restricts the use of his property as to deprive him of the practical uses thereof and which constitutes an unreasonable exercise of the police power so as to become the equivalent of a taking without compensation. If the court finds the order to be unreasonable, the court shall enter a finding that such order shall not apply to the land of the petitioner; provided, however, that such finding shall not affect any other land than that of the petitioner. The commissioner shall cause a copy of such finding to be recorded forthwith in the proper registry of deeds or, if the land is registered, in the registry district of the land court. The method provided in this paragraph for the determination of the issue of whether any such order constitutes a taking without compensation shall be exclusive, and such issue shall not be determined in any other proceeding, nor shall any person have a right to petition for the assessment of damages under chapter seventy-nine by reason of the adoption of any such order.

The department may, after a finding has been entered that such order shall not apply to certain land as provided in the preceding paragraph, take the fee or any lesser interest in such land in the name of the commonwealth by eminent domain under the provisions of chapter seventy-nine and hold the same for the purposes set forth in this section.

No action by the commissioner or the department under this section shall prohibit, restrict or impair the exercise or performance of the powers and duties conferred or imposed by law on the department of highways, the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two. No order adopted under the provisions of this section shall be deemed to invalidate any order imposed prior thereto by the department of conservation and agriculture or the department of environmental protection pursuant to section twenty-seven A of chapter one hundred and thirty or of sections forty, forty A or one hundred and five of chapter one hundred and thirty-one.

INSERT
SECTION
17A + 17B
FROM
PAGE
- 8A -

and inserting in place thereof the following two sections: -

Insert
in section 66
- ON PAGE 10 -

Section 8. The department of environmental protection shall include the bureau of environmental sanitation and all the powers and duties assigned to said bureau which relate to environmental health, air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills, and including those set forth in sections 2B, 2C, 5E, 5F, 5G, 17, 23, 24, 31C, 31D, 142A to 142E, inclusive, 143, 147, 150A, 152, 159, 160 to 166, inclusive, and 175 of chapter 111, the division of water pollution control and the division of mineral resources. The department of environmental protection shall maintain, in one location, copies of all city and town sanitary codes, and all rules, regulations and standards that pertain to public health, and any amendments and additions thereto, which have been adopted by boards of health pursuant to section 31 of chapter 111. The department shall make said information available for public inspection and reference, and shall charge a fee for reproducing and mailing said information which shall be in an amount sufficient to cover the expense of providing such services.

Costs incurred under this section including, but not limited to, the acquisition of lands or interests therein, awards of damages, surveying and mapping, the preparation of designation plans, printing of reports, conducting of public hearings, and expenses incidental thereto may be paid in accordance with the provisions of section seventeen of chapter twenty-one.

The superior court, upon a complaint in the nature of a civil action shall have the jurisdiction to determine whether an order promulgated under this section constitutes a taking without compensation. Such determination shall be independent of any determination by the court of the reasonableness of the exercise of the police power under this section. Said superior court is hereby authorized to hear a complaint of any person having a recorded interest in land or a class action under Rule 23 of the Massachusetts Rules of Civil Procedure and may award damages under the provisions of chapter seventy-nine by reason of the adoption of the order, whether or not such order is determined to be unreasonable.

If the court determines that such order is unreasonable, and if the commissioner shall petition under the provisions of chapter seventy-nine for a taking by eminent domain, the court shall have the power to award damages to the person having the recorded interest in land affected by such order or make such general award of damages relative to a class of land owners who qualify under said Rule 23.

SECTION 61. Section 17F of said chapter 21, as so appearing, is hereby repealed.

SECTION 62. Said chapter 21, as so appearing, is hereby amended by striking out section 18, inserting in place thereof the following section:

Section 18. The subdivision of conservation services within the division of food, agriculture and land preservation shall be under the administrative supervision of a director who shall be called the director of conservation services. The director shall be qualified by training, experience and executive ability, shall be appointed and may be removed by the secretary and shall not be subject to the provisions of chapter 31. The division shall administer the provisions of this chapter relating to conservation districts and such other programs and duties as may be assigned to it by the secretary from time to time. It may receive and expend or dispense without further authorization such federal funds, services, grants or subventions as may be made available for the purposes of the division. The director shall appoint, with the approval of the commissioner, subject to the provisions of chapter 31, such experts, clerks and other employees from time to time, and for such periods, as he may determine to be necessary. The director shall also appoint, with the approval of the commissioner, an executive secretary. The appointment and removal of said executive secretary shall not be subject to the provisions of section 9A of chapter 30 or chapter 31. The director may request from the state commission, established under the provisions of section 19, a list of no more than 3 candidates for such position.

SECTION 63. Section 19 of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "division" and inserting in place thereof the following: "subdivision".

SECTION 64. Chapter 21A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 7 and inserting in place thereof the following section:

Section 7. There shall be within the office an office of the secretary, a department of environmental protection, a department of conservation and agriculture and a department of parks and recreation. Each department shall be headed by a commissioner. Each commissioner shall be appointed and may be removed by the secretary, with the approval of the governor. Each commissioner shall be a person of skill and experience in the field of his appointment. The commissioner of each department may adopt reasonable regulations to allow those employees within his department to testify in civil proceedings so as to further the performance of the department's business. The commissioner of each department shall appoint all necessary employees within his department, except as may be otherwise provided by law. The positions of commissioner shall not be subject to the provisions of chapter 31 or section 9A of chapter 30. Each commissioner shall perform such functions as may be assigned to him by the secretary and shall devote his full time during business hours to the duties of his position. In case of a vacancy or an emergency, the secretary may appoint a person as acting commissioner for a period not exceeding 6 months, of any of the above departments, provided, the appointee is a person of skill and experience in the field of his appointment. The positions of the commissioners shall be classified in accordance with section 45 of chapter 30 and the salaries shall be determined in accordance with section 46C of said chapter 30.

SECTION 65. Section 7A of said chapter 21A, as so appearing, is hereby amended by striking out in line 1, the words "environmental management" and inserting in place thereof the following: "conservation and agriculture".

SECTION 66. Chapter 21A of the General Laws, as amended by chapter 23 of the Acts of 2002, is hereby amended by striking out section 8 and inserting in place thereof the following:

Section 8. The department of environmental protection shall include the bureau of environmental sanitation and all the powers and duties assigned to said bureau which relate to environmental health, air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills, and including those set forth in sections 2B, 2C, 5E, 5F, 5G, 17, 23, 24, 31C, 31D, 142A to 142E, inclusive, 143, 147, 150A, 152, 159, 160 to 166, inclusive, and 175 of chapter 111, the division of water pollution control, the division of outdoor advertising, the outdoor advertising board, the division of mineral resources, the powers and duties of the department of natural resources contained in section 40 of chapter 131. The department of environmental protection shall maintain, in one location, copies of all city and town sanitary codes, and all rules, regulations and standards that pertain to public health, and any amendments and additions thereto, which have been adopted by boards of health pursuant to section 31 of chapter 111. The department shall make said information available for public inspection and reference, and shall charge a fee for reproducing and mailing said information which shall be in an amount sufficient to cover the expense of providing such services.

In regulating or approving any pollution prevention, control or abatement plan, strategy, or technology, through any permit, license, regulation, guideline, plan approval or other departmental action affecting or prohibiting the emission, discharge, disposal, release, or threat of release of any hazardous substance to the environment, or in establishing standards for such emission, discharge, disposal, release, or threat of release, pursuant to any statute administered by said department, the department may consider the potential effects of such plans, strategies and technologies on public health and safety and the environment that may

arise through any environmental medium or route of exposure that is regulated by the department pursuant to any statute; and said department shall act to minimize and prevent damage or threat of damage to the environment. In no event shall the department authorize the implementation of any plan, strategy or technology less protective of the environment than required by any applicable federal statute, regulation, permit, license, or plan approval.

The provisions of this section shall not limit or restrict any existing authority of the department of environmental protection.

The department of conservation and agriculture shall include the division of fisheries, wildlife, and environmental law enforcement, the division of food, agriculture, and land preservation, the division of water resources, the fisheries, wildlife, and environmental law enforcement advisory board, the board of fisheries and wildlife, and the board of food, agriculture, and land preservation.

There shall be within the division of fisheries, wildlife and environmental law enforcement an advisory board to be known as the fisheries, wildlife and environmental law enforcement advisory board. Said board shall consist of two members of the fisheries and wildlife board, one member of the natural heritage and endangered species advisory committee, three members of the marine fisheries advisory commission and three members of the boating and recreational vehicles safety advisory board, of which at least one member shall represent boating interests. The fisheries and wildlife board, the natural heritage and endangered species advisory committee, the marine fisheries advisory commission and the boating and recreational vehicles safety advisory board shall each appoint from its own members by majority vote the persons on said board representative of such board, committee or commission. Each member appointed to the advisory board will serve for a term of three years and may be reappointed for similar terms. The advisory board shall advise the director on matters relevant to the affairs of the department, shall meet at least quarterly and at the request of the commissioner. The members of the advisory board shall receive no compensation but shall be reimbursed by the division for expenses necessary to the performance of their duties.

The department of parks and recreation shall include the division of urban parks and recreation, the division of state parks and recreation and the board of Massachusetts's parks and recreation.

The office of the secretary shall include the division of conservation services, including the committee for conservation of soil, water and related resources, the water resources commission and the Massachusetts coastal zone management office.

SECTION 67. Section 8A of chapter 21A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following *paragraph*:

Section 8A. There shall be established within the executive office of environmental affairs the water resources commission hereinafter in this section and in sections 8B to 8F, inclusive, called the commission, which shall consist of the secretary of the executive office of environmental affairs, the commissioner of the department of environmental protection, the commissioner of the department of conservation and agriculture, the commissioner of the department of parks and recreation and the director of housing and community development, all of whom shall serve ex officio, and six persons to be appointed by the governor.

SECTION 68. Section 10 of said chapter 21A, *as so appearing*, is hereby repealed.

SECTION 69. Section 11 of said chapter 21A, *as so appearing*, is hereby amended by striking out in line 1, the word "division" and inserting in place thereof the following: *subdivision*.

SECTION 70. Section 11A of said chapter 21A, *as so appearing*, is hereby amended striking out in line 6, the words "environmental management" and inserting in place thereof the following: *conservation and agriculture*.

SECTION 71. Section 11A of said chapter 21A, *as so appearing*, is hereby amended striking out in line 7, the words "metropolitan district commission" and inserting in place thereof the following: *parks and recreation*.

SECTION 72. Said chapter 21A, *as so appearing*, is hereby amended by striking out section 12 and inserting in place thereof the following section:

Section 12. At least 60 days prior to the proposed promulgation by the secretary, the commissioner of the department of environmental protection or the commissioner of conservation and agriculture of any rule or regulation which substantially affects the public health, the secretary shall submit such rule or regulation to the commissioner of the department of public health for review and comment. If said commissioner of environmental protection or the department of public health determines that such proposed regulation would endanger the public health, he shall, within 30 days of his receipt of said proposed regulation, convey in writing to the secretary his reasons for such determination. If the secretary finds, after consultation with said commissioner of the department of public health, that such regulation would endanger the public health, such regulation shall not be promulgated. If, in accordance with the procedures set forth herein, said commissioner of the department of public health finds that such proposed regulation could reasonably result in the declaration of public health emergency pursuant to section 2A of chapter 17, such regulation shall not be promulgated.

If the secretary, the commissioner of environmental protection or the commissioner of conservation and agriculture finds that immediate adoption of such a regulation is necessary pursuant to the provisions of subsection 3 of section 2 of chapter 30A, he may submit said regulation to the commissioner of public health upon its adoption. If said commissioner of the department of public health determines that such proposed regulation would endanger the public health he shall, within 30 days of his receipt of said regulation, convey in writing to the secretary his reasons for such determination. If the secretary finds, after consultation with said commissioner of the department of public health, that such regulation would endanger the public health, said regulation shall not remain in effect. If, in accordance with the procedures set forth herein, said commissioner of the department of public health finds that such regulation could reasonably result in the declaration of a public health emergency pursuant to section 2A of chapter 17, said regulation shall not remain in effect.

The commissioner of public health may propose to the secretary, the commissioner of environmental protection or the commissioner of conservation and agriculture amendments to the standards, rules and regulations of the department of environmental protection or the department of conservation and agriculture or new standards, rules and regulations in areas over which said departments take cognizance when in his opinion such amendments or new regulations are necessary to protect the public health. If the commissioner of public health finds that the failure of the department of environmental protection or the

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SECTION 1. Section 1 of chapter 23 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking said section and inserting in place thereof, the following:—

Section 1. (a) Within the executive office of economic development, there shall be a department of economic affairs, in this chapter called the department. Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for other necessary expenses of said department. Said department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the departments in the discharge of their duties.

(b) Within the department, there shall be a division of industrial accidents, as established and empowered by section 17C of chapter 6A and chapter 23E; the labor relations commission, as established and empowered by section 17D of chapter 6A, section 9O to 9R, inclusive, of chapter 23 and by chapter 151A; the board of conciliation and arbitration, as established and empowered by section 17 of chapter 6A and chapter 23C; the joint labor management committee for municipal police and fire, as established by section 17 of chapter 6A and sections 4A and 4B of chapter 1078 of the acts of 1973; In addition, the duties of the department shall include, and the department shall have authority and responsibility over; the administration and enforcement of section 3, 5, 9H and 11A; the provisions of chapter 111F; the provisions of chapters 149, with the exception of sections 160 to 168A, and 151; the provisions of chapter 151A; and the provisions of subsections (b), (c), (e) and (f) of section 197B of chapter 111; provided, however, that, notwithstanding any general or special law to the contrary, the attorney general shall have exclusive authority to conduct field investigations, inspections and civil and criminal prosecutions with respect to, and otherwise to enforce, said chapters 149 and 151, all regulations of the secretariat thereunder, and all other laws pertaining to wages, hours and working conditions, child labor and workplace safety and fair competition for bidders on public construction, except the laws pertaining to lead and asbestos hazards and workplace hygienic standards which the department shall enforce. Notwithstanding any other provisions of this paragraph, the division of industrial accidents, the labor relations commission, the joint labor management committee, and the board of conciliation and arbitration shall not be subject to the jurisdiction of the department of economic affairs, except to the extent of compliance with reasonable requests from the coordinating council established by chapter 14A for the sharing of information which do not interfere with the efficient and independent functioning of said offices, divisions, or agencies.

(c) The department shall develop a set of performance measures to evaluate the effectiveness of the individual agencies and programs in accomplishing their missions. These measures shall include: the number of complaints filed, the number of caseworkers per completed case, the number of caseworkers per uncompleted case, the change in the incidence of occupational injuries and illnesses, enforcement actions as a share of complaints received, prevention costs as a share of total program costs, and any other the department may develop. Said measures shall be reported annually by December 15th to the clerk of the House of Representatives, the clerk of the Senate, the House Ways and Means Committee, and the Senate Ways and Means Committee. In said report, the department may include any explanations as to why said measures may or may not give a true indication of the effectiveness of the programs.

department of conservation and agriculture to promulgate said amendments or new regulations could reasonably result in the declaration of a public health emergency pursuant to section 2A of chapter 17, the department of public health may promulgate said standards, rules and regulations, following the department of environmental protection or conservation and agriculture's failure to do so. Such standard rules and regulations shall have the same force and effect as if they were promulgated by the departments of environmental protection or conservation and agriculture.

SECTION 73. Section 2 of Chapter 21D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 11 and 18, the word "management" and inserting in place thereof the following: "protection"

SECTION 74. Section 3 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 1, the word "division" and inserting in place thereof the following: "protection"

SECTION 75. Section 7 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 45 and 46, the words "and upon consultation with the department of environmental protection."

SECTION 76. Section 7 of chapter 21H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 11, 12, and 16 the words "department of food and agriculture" and inserting in place thereof the following: "department of conservation and agriculture"

SECTION 77. Section 2 of chapter 23 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking said section and inserting in place thereof, the following:

Section 1. (a) Within the executive office of economic development, there shall be a department of economic affairs, in this chapter called the department. Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for other necessary expenses of said department. Said department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the departments in the discharge of their duties.

(b) Within the department, there shall be a division of industrial accidents, as established and empowered by section 17C of chapter 6A and chapter 23E; the labor relations commission, as established and empowered by section 17D of chapter 6A, section 90 to 9R, inclusive, of chapter 23 and by chapter 151A; the bureau of municipal mediation, as established and empowered by section 17E of chapter 6A, chapter 151, section 4A and 4B of chapter 1078 of the acts of 1973; In addition, the duties of the department shall include, and the department shall have authority and responsibility over; the administration and enforcement of section 3, 5, 9H and 11A; the provisions of chapter 111F; the provisions of chapters 149, with the exception of sections 160 to 168A, and 151; the provisions of chapter 151A; and the provisions of subsections (b), (c), (e) and (f) of section 197B of chapter 111; provided, however, that, notwithstanding any general or special law to the contrary, the attorney general shall have exclusive authority to conduct field investigations, inspections and prosecutions with respect to, and otherwise to enforce, said chapters 149 and 151, all regulations of the department thereunder, and all other laws pertaining to wages, hours and working conditions, child labor and workplace safety and fair competition for bidders on public construction, except the laws pertaining to lead and asbestos hazards and workplace hygienic standards which the department shall enforce. Notwithstanding any other provisions of this paragraph, the division of industrial accidents, the labor relations commission, and bureau of municipal mediation shall not be subject to the jurisdiction of the department of economic affairs, except to the extent of compliance with reasonable requests from the coordinating council established by chapter 14A for the sharing of information which do not interfere with the efficient and independent functioning of said offices, divisions, or agencies.

(c) The department shall develop a set of performance measures to evaluate the effectiveness of the individual agencies and programs in accomplishing their missions. These measures shall include: the number of complaints filed, the number of caseworkers per completed case, the number of caseworkers per uncompleted case, the change in the incidence of occupational injuries and illnesses, enforcement actions as a share of complaints received, prevention costs as a share of total program costs, and any other the department may develop. Said measures shall be reported annually by December 15th to the clerk of the House of Representatives, the clerk of the Senate, the House Ways and Means Committee, and the Senate Ways and Means Committee. The department shall also report to the House and Senate the results of any evaluation of the effectiveness of the programs.

SECTION 78. Section 2 of said chapter 23, as so appearing, is hereby amended by striking the fourth sentence, and inserting in place thereof, the following: "The director shall receive such salary as determined by the governor, provided that such salary is no greater than the salaries received by the director of business development and the director of workforce development."

SECTION 79. Said section 2 of said chapter 23, as so appearing, is hereby amended by striking the last sentence of the section.

SECTION 80. Section 3 of said chapter 23, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: "The director shall organize those portions of the department which are subject to the director's control into the following divisions: a division of occupational safety, which shall administer the provisions of section 11A and the department's obligations under subsections (b), (c), (e) and (f) of section 197B of chapter 111, the provisions of chapter 111 F and the provisions of chapter 149 relating to workplace safety and health; an division of employment security, which shall administer and enforce the provisions of chapter 151A; and such other divisions as the director deems necessary to administer and enforce the department's other obligations pursuant to section 9H and pursuant to chapters 149 and 151."

SECTION 81. Said chapter 23, as so appearing, is hereby amended by inserting after section 3 the following section: "Section 3A. There shall be a surcharge on fees assessed by the division of occupational safety within the department of economic security for the licensure, registration or certification of certain professionals, and on fees assessed for the renewal or

Section 85A. Said section 9N of said chapter 23 is hereby further amended by striking out the words "deputy director of employment and training" inserted by Section 1 of said chapter 347, and inserting in place thereof the following words: "deputy director of employment security."

duplication of such licenses, registrations or certifications, in accordance with the provisions of this section. The amount of the surcharge shall be as follows: a \$25 annual surcharge to those persons licensed or certified individually by the division of occupational safety to perform deleading services; a \$25 annual surcharge to those persons licensed or certified individually by the division of occupational safety to perform asbestos abatement services; a \$50 annual surcharge to those persons licensed or certified on behalf of corporate and other classifications of businesses by the division of occupational safety to perform deleading services; a \$50 annual surcharge to those persons licensed or certified on behalf of corporate and other classifications of businesses by the division of occupational safety to perform asbestos abatement services; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide asbestos abatement analytical services; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide asbestos abatement training; a \$50 annual surcharge to those persons licensed or certified by the division of occupational safety to provide deleading training; and a \$50 annual surcharge to those persons licensed or registered to operate an employment agency as defined by section 46A of chapter 140. Said surcharges shall be collected by the division of occupational safety and transmitted to the treasurer for deposit into the general fund.

SECTION 82. Section 6 of said chapter 23, as so appearing, is hereby repealed.

Textual: 23 in the 2000 Official Edition out
SECTION 83. Section 9J of said chapter, as so appearing, is hereby amended by striking first sentence and inserting in place thereof the following: "The secretary, in consultation with the director of economic affairs, may adopt, amend, alter or repeal, and shall enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and enforcement of chapter 151A. The director will also consult with the director of workforce development where said changes would affect the operations of the free public employment offices."

SECTION 84. Sections 9L and 9M of said chapter 23, as so appearing, are hereby repealed.

division of
SECTION 85. Section 9N of chapter 23 of the General Laws, as amended by chapter 347 of the Acts of 2002, is hereby amended by striking the words "employment and training" in each instance in which they appear, and inserting, in each instance, in place thereof, the following: "employment security."

SECTION 86. Section 11A of chapter 23 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "division of occupational hygiene" in line 3, and inserting in place thereof, the following: "division of occupational safety."

SECTION 87. Section 11E of chapter 23 of the General Laws, as amended by chapter 357 of the Acts of 2002, is further amended by striking the first sentence and inserting in place thereof, the following: "there shall be in the department of workforce development an apprenticeship council, to consist of 8 members, 6 of whom shall be appointed by the director of workforce development with the approval of the governor, 1 of whom shall be the director of workforce development or his successor, in the department of workforce development, ex officio, and 1 of whom shall be the associate commissioner of career and technical education or his successor, in the department of education, ex officio."

SECTION 88. Section 11H of chapter 23 of the General Laws, as amended by chapter 357 of the Acts of 2002, is further amended by striking the definition "director" and inserting in place thereof, the following: "Director", the director of workforce development.

SECTION 89. Said section 11H of said chapter 23, as so appearing, is further amended by striking the definition "division" and inserting in place thereof, the following: "Division", the division of apprentice training in the department of workforce development.

SECTION 90. Chapter 23A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "director of economic development" in each instance in which they appears, and inserting in place thereof, in each instance, the following: "director of business development"

SECTION 91. Said chapter 23A, as so appearing, is hereby amended by striking the phrase "department of economic development" in each instance in which they appears, and inserting in place thereof, in each instance, the following: "department of business development"

SECTION 92. Said chapter 23A, as so appearing, is hereby amended by striking the phrase "Massachusetts office of Business Development", and inserting in place thereof, the following: "Department of Business Development."

SECTION 93. Said chapter 23A, as so appearing, is hereby amended by striking the phrase "MOBD" in each instance it appears, and inserting in place thereof, in each instance, the following: "the department"

SECTION 94. Section 1 of said chapter 23A, as so appearing, is hereby amended by striking subsections (a) and (b), in lines 1 through 26, and inserting in place thereof, the following: "three subsections":

(a) Within the executive office of economic development, there shall be a department of business development, in this chapter called the department, which shall be under the control of a director of economic development, in this chapter called the director. The director shall be appointed by the governor for a term coterminous with that of the governor and shall not be subject to the provisions of chapter 31 or section 9A of chapter 30. Upon expiration of the term of office of the director or in the event of a vacancy, a successor shall be appointed for a term coterminous with that of the governor. The director shall devote his full time during business hours to the duties of his office. The director shall be the executive and administrative head of the department and shall be responsible for administering and enforcing the provisions of law relative to the department and to each administrative unit

thereof. The director shall receive such salary as the governor shall determine, provided that such salary is no greater than the salary received by the director of economic affairs and the director of workforce development.

(b) There shall be within the department, the office of travel and tourism, the office of international trade and investment, the office of minority and women business assistance and all entities within said offices.

(c) The department shall develop a set of performance measures to evaluate the effectiveness of the various programs for which it is responsible in accomplishing their missions. These measures shall include, but not be limited to: the number of businesses assisted by industry and size, the incremental Massachusetts job growth attributed services provided, the incremental Massachusetts revenue growth attributed to the services provided, the incremental trade growth attributed to the services provided, the return on investment for marketing campaigns, the number of businesses that relocated to Massachusetts as a result of marketing campaigns, the share of expenses dedicated to administrative expenses, the amount of non-governmental funds leveraged, and any other measures the department may develop. Said measures shall be reported annually, by December 15th, to the clerk of the House of Representatives, the clerk of the Senate, the House Ways and Means Committee, and the Senate Ways and Means Committee. In said report, the department may include any explanations as to why said measures may or may not give a true indication of the effectiveness of the programs.

SECTION 95. Section 3 of said chapter 23A, as so appearing, is hereby repealed.

SECTION 96. ~~Section 3B of said chapter 23A, as so appearing, is hereby amended by striking the section, and inserting in place thereof, the following:~~ ^{Section 3B, as appearing in the 2000 Official Edition,} ~~Section 3B, as so appearing, is hereby amended by striking the section, and inserting in place thereof, the following:~~

Section 3B. There shall be an economic assistance coordinating council, established within the department of business development. Said council shall consist of: the director of economic development or his designee who shall serve as co-chairperson; the director of housing and community development or his designee who shall serve as co-chairperson; the director of workforce development or his designee; a representative of the department of business development designated by the director of economic development; the director of the department of business development or his designee; the president of the Corporation for Business, Work and Learning or his designee; and seven members to be appointed by the governor, one of whom shall be from the western region of the commonwealth, one of whom shall be from the central region of the commonwealth, one of whom shall be from the eastern region of the commonwealth, one of whom shall be from the southeastern region of the commonwealth, one of whom shall be from Cape Cod or the islands, one of whom shall be a representative of a higher educational institution within the commonwealth and one of whom shall be from the Merrimack valley, all of whom shall have expertise in issues pertaining to training, business relocation and inner-city and rural development, and all of whom shall be knowledgeable in public policy and international and state economic and industrial trends. Each member appointed by the governor shall serve at the pleasure of the governor. Said council shall adopt bylaws to govern its affairs.

SECTION 97. Section 3H of said chapter 23A, as so appearing, is hereby amended by striking the first sentence of the section, and inserting in place thereof, the following: ~~Section 3H, as appearing in the 2000 Official Edition,~~

Each executive office and the departments of business development, housing and community development, economic affairs, workforce development, and the office of consumer affairs and business regulation shall appoint a senior staff member who shall be responsible for coordinating the efforts of the commonwealth to provide one-stop licensing for all business and developments in order to expedite the process of obtaining commonwealth licenses, permits, certificates, approvals, registrations, charters and other requirements of law.

SECTION 98. Section 5 of said chapter 23A, as so appearing, is hereby repealed.

SECTION 99. Section 45 of said chapter 23A, as so appearing, is hereby repealed.

~~SECTION 100. Chapter 23C of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.~~

SECTION 101. Chapter 23D of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "director of economic development", in each instance in which it appears, and inserting in place thereof, in each instance, the following:— director of business development.

SECTION 102. Said chapter 23D, as so appearing, is hereby amended by striking the phrase "director of labor and workforce development", in each instance in which it appears, and inserting in place thereof, in each instance, the following:— director of workforce development.

SECTION 103. Said chapter 23D, as so appearing, is hereby amended by striking the phrase "department of labor and workforce development", in each instance in which it appears, and inserting in place thereof, in each instance, the following:— department of workforce development.

SECTION 104. Section 2 of said chapter 23D, as so appearing, is hereby amended by striking the section and inserting in place thereof, the following:— A Massachusetts industrial service program shall be established in the executive office of economic development, under the joint supervision of the director of business development, and the director of workforce development.

The secretary, upon consultation with the director of business development and the director of workforce development, shall issue such rules, regulations, and procedures governing the application for and delivery of services provided for in sections 2 to 7, inclusive, and sections 24 to 26, inclusive, which they deem necessary to carry out the provisions of this chapter.

SECTION 105. Chapter 23E of General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "department of labor and workforce development" in each instance in which it appears, and inserting in place thereof, in each instance, the following:— department of economic affairs.

SECTION 106. Said chapter 23E, as so appearing, is hereby amended by striking the phrase "division of employment and training" in each instance in which it appears, and inserting in place thereof, in each instance, the following:— division of employment security.

SECTION 107. The General Laws, as appearing in the 2000 Official Edition, are hereby ^{further} amended by inserting ~~the~~ following ~~new chapter~~ after chapter 23G:—

Chapter 23H

Section 1. (a) Within the governor's cabinet, as defined in section 17A of chapter 6, there shall be an executive office of economic development, hereinafter called the secretariat. Subject to appropriation, the secretariat shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for necessary expenses of said department. Said secretariat may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the secretariat in the discharge of its duties.

(b) Within said secretariat, there shall be three departments: business development, as enabled and empowered in Chapter 23A; economic affairs, as enabled and empowered in Chapter 23; and workforce development, as enabled and empowered in Chapter 23I.

Section 2. The secretariat shall be under the supervision of a secretary of economic development. Said secretary shall be appointed by the governor and shall be a person of skill and experience in the field of economic development. Said secretary shall serve at the pleasure of the governor, shall receive such salary as the governor determines, and shall devote full time to the duties of his office.

In the case of a vacancy in the office of secretary, or in the case of disability, as determined by the governor, or in his absence, the governor may designate an acting secretary to serve as secretary until the vacancy is filled or the absence, or disability, as determined by the governor, ceases. The acting secretary shall have all the powers and duties of the secretary and shall have similar qualifications as the secretary.

Section 3. The secretary may appoint a director for each department within the secretariat. All directors, inspectors, and other permanent or full-time employees of the secretariat shall devote their full time during business hours to the duties of their office and shall not engage in other employment or business activities during such hours. In accordance with the provisions of chapter 30A, and with the advice of the directors of the various departments, the secretary shall promulgate regulations with respect to the departments under the secretariat's control.

The position of director of economic affairs shall be held by an individual appointed to head an agency or division within the department of economic affairs. The position of director of economic affairs shall be paid a salary, determined by the governor, but not less than the director of business development or the director of workforce development. The director of economic affairs shall not receive said salary in addition to the salary of director of the agency or division for which he is responsible. Subject to appropriation, the director of economic affairs may hire additional staff necessary to coordinate the department of economic affairs.

Section 4. The secretary shall establish in the executive office an office of planning and research for economic development. Said office shall be responsible for compiling and producing statistics and analysis regarding labor markets and the general economic situation, in order to assist workers and businesses, and in order to assist the departments within the secretariat in carrying out their mission. The secretary may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the office in the discharge of its duties. Subject to appropriation, the secretary may appoint a senior staff member who shall be responsible for developing a comprehensive plan to promote economic development in all regions of the commonwealth.

SECTION 108. The General Laws, as so appearing, are hereby ^{further} amended by inserting after chapter 23H the following chapter:—

Chapter 23I

Section 1. (a) Within the executive office of economic development, there shall be a department of workforce development, in this chapter called the department. The mission of the department shall be to develop, coordinate and maintain a coherent workforce development system that fills the needs of employers for a skilled workforce and promotes lifelong learning among employees. The department shall cooperate with all federal, state, and local agencies active in the field of workforce development to achieve this goal.

(b) Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for necessary expenses of said department. Said department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the departments in the discharge of their duties.

Section 2. The director shall be the executive and administrative head of the department. Except as otherwise provide, he shall be responsible for the administration and enforcement of all laws, rules and regulations for which it is the duty of the department to administer and enforce. The director shall receive such salary as determined by the governor, provided that such salary is no greater than the salaries received by the director of business development and the director of economic affairs. The director shall organize the department into the following divisions: a division of apprentice training, which shall administer the provisions of sections 11E through 11W of Chapter 23; a division of one-stop career centers, which shall administer the provisions of section 5 of this chapter, and such other divisions as the director deems necessary to administer and enforce the department's other obligations.

Section 3. The department shall develop a set of performance measures to evaluate the individual programs in increasing incomes in a cost effective manner. These measures shall include income levels of program participants before and after the training programs, completion rates of said programs, placement rates of said programs, the number of program participants, employer satisfaction with placements, and direct training expenditures as a share of total expenditures. These measures, and any other the department may develop, shall be reported annually by December 15th to the clerk of the House of Representatives, the clerk of the Senate, the House Ways and Means Committee, and the Senate Ways and Means Committee. In said report, the

department may include any explanations as to why said measures may not give a true indication of the effectiveness of the programs.

Section 4. (a) Subject to appropriation, the director of workforce development, shall make expenditures on workforce training grants for the following purposes:

(1) To provide grants to employers, employer groups, labor organizations and training providers for projects to provide education and training to existing employees and newly hired workers. In determining who shall receive grants, the commissioner shall consider the following criteria:

- (i) whether the project will increase the skills of low-wage, low-skilled workers;
- (ii) whether the project will create or preserve jobs at wages sufficient to support a family;
- (iii) whether the project will have a positive economic impact on a region with high levels of unemployment or a high concentration of low-skilled workers;
- (iv) whether the employer has made a commitment to provide significant private investment in training during the duration of the grant and after the grant has expired;
- (v) whether the project will supplement, rather than replace, private investments in training;
- (vi) whether the employer is a small business that lacks the capacity to provide adequate training without such assistance;
- (vii) whether the project will provide residents of the commonwealth with training for jobs that could otherwise be filled only by residents of other nations; and
- (viii) whether the project is consistent with the workforce development blueprint prepared by the regional employment board.

Such grants shall be for amounts not to exceed \$250,000 and shall be for a term not to exceed 2 years.

(2) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as workforce investment boards, community colleges, labor organizations, administrative entities under the federal Workforce Investment Act, Public Law 105-220, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the department of labor and workforce development or of the corporation for business, work and learning. Such expenditures shall not exceed \$3,000,000 each year and the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training.

(b) The director of the department of workforce development shall adopt regulations to carry out the purposes of this section, including the criteria set forth in paragraph (1) of subsection (a). The commissioner may contract with a private organization to carry out some or all of the commissioner's duties provided in this section.

(c) Not later than September 1 of each year, the director of workforce development shall file a report in writing with the joint committee on commerce and labor and the house and senate committees on ways and means concerning the grants made in the fiscal year ending on the preceding June 30, together with such recommendations and additional information as the director of workforce development considers appropriate. Said report shall include the measures described in ~~Section 2 of this chapter.~~ Section 3.

(d) Documentary materials or data made or received by an employee of the department of workforce development, to the extent that such materials or data consist of trade secrets or commercial or financial information regarding the operation of a business conducted by an applicant for a grant from the fund established by this section, shall not be public records and shall not be subject to section 10 of chapter 66.

Section 5. (a) The director of workforce development shall administer the system of free public employment offices established in sections 160 through 168A of ~~chapter 149.~~

(b) There shall be in the department, subject to the supervision and control of the director, a division of public employment offices. It shall have control of the establishment, maintenance and operation of free public employment offices of the commonwealth and shall co-operate with the Massachusetts rehabilitation commission in the placement of handicapped persons under the provisions of section 81 of chapter 6. The department shall be the state agency for co-operation with the United States Department of Labor pursuant to the Workforce Investment Act of 1998, Public Law 105-220, and shall have all the powers of such an agency as specified in said act.

The director shall assure that all information secured as an incident to the public employment service program is used solely for the purpose of administering the commonwealth system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the deputy director of employment security, provided that such disclosure will not impede the operation of or be inconsistent with the purposes of the public employment service program, or where such disclosure is otherwise authorized or required by law. Whoever discloses such information other than as required or authorized by law shall be subject to the penalty set forth in section 46 of chapter 151A.

(c) The director shall divide the commonwealth into employment districts. Subject to appropriation, he may establish and maintain such additional free public employment offices as he may find necessary. The director may contract with one-stop operators, certified in accordance with the provisions of Public Law 105-220, to provide such offices. In addition, the director shall cooperate with the deputy director of the division of employment security to determine the share of the capital and operating expenses of said offices necessary or convenient for the proper administration of chapter 151A. The division of employment security shall reimburse the department for said share. Said offices shall be available for the payment of benefits, presentation of claims, registration of the unemployed, action to procure employment for the unemployed, and for the proper administration of chapter 151A.

Section 6. (a) There shall be an executive board of the state workforce investment board created pursuant to the provisions of the Workforce Investment Act of 1998, Public Law 105-220.

(b) The executive board shall be chaired by the director of workforce development, and include the following members: a community college president with expertise in workforce development issues, selected by the Massachusetts Community College Association; the director of adult basic education in the department of the Board Education; the commissioner of the department of transitional assistance; two individuals who, because of their vocations, employments, occupations, or affiliations, shall be classed as employers; and two individuals who, for like reasons, can be classed as employees. Said members shall be, by virtue of their membership on the executive board, also members of the State Workforce Investment Board.

(c) Said executive board shall develop legislative and regulatory proposals and identify administrative impediments to the efficient delivery of workforce development programs throughout the commonwealth, including, but not limited to assisting the Governor, or his designee, in preparing the strategic plan for the development of the Massachusetts Workforce Investment System for Massachusetts residents and businesses pursuant to the Workforce Investment Act of 1998. The executive board shall also carry out such additional responsibilities as the Governor may from time to time require. The executive board shall consult with the entire Workforce Investment Board in developing such proposals.

Chapter 18A
SECTION 109: ~~Chapter 26 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking said chapter inserting in place thereof the following section:~~ *Chapter 18A*

Section 1. There shall be a department of parks and recreation under the supervision and control of a board of Massachusetts parks and recreation, hereinafter called the board, consisting of seven members, to be appointed by the governor. At least four members of the board shall be from municipalities within the division of urban parks and recreation. Upon the expiration of the term of office of a member of the board, his successor shall be appointed by the governor for a term of four years, or until qualification of his successor.

The board shall meet not less than 6 times a year or at the call of the chairman and at such times as shall be determined by its rules or at the request of the director or the call of any three members. The chairman of the board shall be selected by a majority of the members of the board of the department of parks and recreation. Board members shall not receive compensation for their services rendered as members of the board.

There shall be a commissioner of the department of parks and recreation who shall be appointed and may be removed by the secretary of environmental affairs with the approval of the governor. The commissioner shall be selected on the basis of demonstrated ability to manage organizations, relevant experience with state or federal urban parks and recreation systems, and personal participation in the public programs of state or federal parks and recreation systems. Said commissioner may be removed by the secretary of environmental affairs with the approval of the governor.

Said commissioner shall have charge of the administration of the department and shall exercise supervision, direction and control over all lands and bureaus of the department. The department may expend for traveling expenses of its employees incurred in the performance of their official duties and for other necessary expenses of the department, such sums as may be appropriated.

Section 2. There shall be in the department of parks and recreation a division of urban parks and recreation, consisting of a director and four associate directors, who shall at the time of their appointment be a resident within the district of which the division has jurisdiction, and at least one shall be a resident of the city of Boston and all of whom shall be selected on the basis of demonstrated ability to manage organizations, relevant experience with state or federal urban parks and recreation systems, and personal participation in the public programs of state or federal parks and recreation systems. Said director may be removed by the commissioner of the department of parks and recreation with the approval of the secretary of environmental affairs.

The division of urban parks and recreation shall have control over the state parks, parkways, waterways, rinks, pools, beaches and other recreational lands and facilities within the geographic area defined in section 33 of chapter 92. The division of urban parks and recreation shall promote and encourage the active use of state-owned natural resources within said area, including the acquisition, planning, construction, maintenance and operation of parkways, athletic fields, and public recreational facilities, including areas for parking and roads, picnicking and camping, provisions for swimming, wading, boating, outdoor games, winter sports, ice skating, horseback riding, bicycling and hiking trails, nature study, rest areas, outlooks, playgrounds, comfort stations, food accommodations and such other facilities as the commissioner deems necessary and desirable, including the powers and authorities set forth in section 33 of chapter 92, to provide care and oversight of areas of scenic or historic significance as may from time to time be committed to it, and care and maintenance of horticultural resources entrusted to said division.

Section 2A. There shall be in the department of parks and recreation a division of state parks and recreation, consisting of a director and four associate directors, who shall at the time of their appointment be a resident of any municipality excluding the geographic area defined in section 33 of chapter 92. The director and associate directors shall be chosen from a list consisting of individuals who are not residents of the geographic area defined in section 33 of chapter 92, and at least two of whom shall be residents of Berkshire, Franklin, Hampshire, Hampden, or Worcester counties and all of whom shall be selected on the basis of demonstrated ability to manage organizations, relevant experience with state or federal urban parks and recreation systems, and personal participation in the public programs of state or federal parks and recreation systems. Said director may be removed by the commissioner of the department of parks and recreation with the approval of the secretary of environmental affairs.

The division of state parks and recreation shall have control over the state parks, parkways, waterways, rinks, pools, beaches and other recreational lands and facilities excluding the geographic area defined in section 33 of chapter 92. The division of state parks and recreation shall promote and encourage the active use of state-owned natural resources within said area, including the acquisition, planning, construction, maintenance and operation of bicycling and hiking trails, hunting areas, picnic areas, campgrounds, forests, fishing, and public recreational facilities, including areas for parking and roads, nature study, rest areas, outlooks, playgrounds, comfort stations, food accommodations and such other facilities as the commissioner deems necessary and desirable, and to provide care and oversight of areas of scenic or historic significance as may from time to time be committed to it, and care and maintenance of horticultural resources entrusted to said division.

Section 3. The directors of both the division of urban parks and recreation, established in section 2 of this chapter, and the division of state parks and recreation, established in section 2A of this chapter, shall devote his whole time during business hours to the work of the division and shall be responsible for the performance of the functions of the division as specified by law. The salaries of said directors and associate directors shall be determined by the commissioner of the department of parks and recreation. The directors shall be the executive and administrative head of each respective division and each subdivision or section thereof shall be under his direction, control and supervision. The directors may appoint and remove such officials and employees as the work of the divisions may require and may from time to time assign to such officials and employees such duties as the work of the divisions may require, subject to chapter thirty and thirty-one, except as provided by chapter five hundred and eighty-three of the acts of nineteen hundred and forty-seven. The directors may from time to time authorize the associate directors, or any one of them, to exercise in his name any power or to perform in his name any duty, which is or shall be assigned to him by any provision of law, and may at any time revoke any such authority. The concurrence of the directors and of not less than two associate director shall be required for the execution of contracts and of such other official actions of the division as may be required by law.

Section 18. The board, shall develop an oversight strategy of park management plans, capital planning and policy development. Such oversight strategies will be published annually and after a 30 day public comment period will be finalized and submitted to the Secretary of Environmental Affairs. Such oversight plans must be prepared and submitted 45 days prior to the submission to the legislature of the governor's annual budget.

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Notwithstanding the provisions of section ~~forty-five~~ of chapter ~~thirty~~ or chapter ~~thirty-one~~ of the General Laws, the positions of chief engineer, the director of the sewerage subdivision and chief sewerage engineer, and the director of the water subdivision and chief water supply engineer shall be unclassified.

Section 4. The directors with the approval of at least two associate directors may appoint a secretary who shall be exempt from chapter thirty-one.

Section 4A. The directors, with the approval of the subdivision on administration and finance, shall prescribe work clothes of standard pattern to be furnished at the expense of the commonwealth for the use, while on duty, of such employees of the sewerage subdivision, the parks subdivision and the water subdivision as may be designated by the director.

Section 4B. With the approval of the personnel administrator, the director of urban parks and recreation, herein after for the remainder of this chapter shall be referred to as the division, may establish in the division a program of engineering internship and may recruit qualified persons to serve in the division as civil engineer interns.

The number of persons employed by the division as civil engineer interns shall at no time exceed seven in any fiscal year, nor may such civil engineer interns employed by the division be placed in a salary grade higher than that of a junior civil engineer in the division.

No person shall be appointed or employed as a civil engineer intern except upon requisition made by the director and upon certification by the personnel administrator from an eligible list prepared in accordance with the provisions of chapter thirty-one and the rules made thereunder, except as hereinafter provided; provided, that the administrator shall establish such eligible list before June first in each calendar year by holding a competitive examination which shall be open only to persons who, as candidates for the degree of bachelor of science in civil engineering to be awarded to them in such year, are either enrolled as students in a college within the commonwealth or are residents of the commonwealth attending a college of recognized standing outside the commonwealth, and to persons who, within the three years next preceding the date of the examination, have been awarded the degree of bachelor of science in civil engineering from a college of recognized standing. The eligible list established each year shall expire upon the establishment of the eligible list in the following year. No person shall be certified for appointment as a civil engineer intern unless he has been awarded the degree of bachelor of science in civil engineering.

Upon appointment as a civil engineer intern, the appointee shall sign an agreement binding him to serve as civil engineer intern for a minimum of two years unless his employment is sooner terminated by the director. It shall be the duty of the director to rotate the assignments of each intern during his period of employment in order that he may acquire diversified experience in the engineering programs of the division.

The names of persons appointed as civil engineer interns shall be entered in order of date of appointment on a list to be known as "Civil Engineer Intern List" in the subdivision of personnel administration.

Upon completion of two years of employment as interns under agreements provided for in this section, persons shall be eligible without further examination for appointment as junior civil engineers in the division providing a vacancy exists in said title and, upon requisition of the director, the names of such persons shall be certified for appointment by the personnel administrator from the Civil Engineer Intern List, in accordance with the rules of the civil service division, except that the basis of certification shall be the order of appointment to such Civil Engineer Intern List. The names of persons on this list who refuse to accept appointment as junior civil engineers upon certification shall be removed therefrom.

Section 4C. The division may establish a co-operative engineering program and may enter into agreements with colleges of recognized standing within the commonwealth, including colleges which have summer programs, which have established a curriculum leading to a degree of bachelor of science in civil engineering on a so called co-operative basis, contemplating regularly rotating working activity in the field of engineering and an equal period of classroom training. He may employ persons enrolled as candidates for the degree of bachelor of science in civil engineering in any such colleges to serve in the division in the position of student engineer, provided that the position of student engineer shall be in a grade lower than that of junior civil engineer in the division, and provided that at no time shall the number of persons employed in the division as student engineers exceed eight in any fiscal year. Upon completion of not less than two years of employment as student engineer, a person shall be eligible to apply for the examination for civil engineer intern provided for by section four B provided he will graduate with the degree of bachelor of science in civil engineering in that year as set forth in said section four B, any other provision of this section notwithstanding. No person shall be employed as a student engineer for more than six years.

Section 5. (a) The secretary of environmental affairs shall establish a program to assist the commonwealth in the acquisition of watershed preservation restrictions, as defined in section thirty-one of chapter one hundred and eighty-four, for land classified as watershed land as defined in regulations to be promulgated by the department of conservation and agriculture.

(b) The commissioner of conservation and agriculture may from funds appropriated to carry out the provisions of this section, or received from other sources, pay the owner of watershed lands which he determines to be beneficial to the maintenance of the water supply of the commonwealth an amount determined to be equitable but not to exceed the difference between the fair market value of such land and the fair market value of such land restricted for watershed purposes pursuant to this section. Title to such watershed preservation restrictions shall be held in the name of the commonwealth; provided, however, that a city or town in which such land is located, which provides assistance satisfactory to the division of urban parks and recreation including but not limited to providing of funds or portions thereof toward the purchase of such restriction, the providing of legal services and the enforcement of the preservation restriction, shall hold title to such restrictions jointly with the commonwealth.

(c) Watershed preservation restriction projects shall be administered by conservation commissions in cities and towns in which such commissions have been established, or in a city, by the city council or its delegated agency subject to the provisions of the city charter, or in a town, by the board of selectmen or its delegated agency. Said commissioner of the conservation and agriculture, subject to the approval of the secretary of environmental affairs, shall establish procedures for the management of such programs.

Section 6. There is hereby created a watershed lands preservation committee in the department of conservation and agriculture, the members of which shall be the commissioner of the department of conservation and agriculture, the secretary of environmental affairs, the director of the Massachusetts Water Resources Authority, the commissioner of the department of parks and recreation, the director of the division of water supply in the department of environmental protection, one member appointed by the speaker of the house, one member appointed by the president of the senate, and two members appointed by the governor, one of whom shall represent an organization dedicated to conservation of natural resources and one of whom shall have expertise in the field of hydrology. The committee shall advise the commissioner of conservation and agriculture on the evaluation of projects and

shall advise the commissioner on any rules or regulations necessary to carry out the intent of the watershed preservation restriction program.

Section 3. The commissioner of the department of conservation and agriculture shall prepare an annual report on the watershed preservation restriction program. Such report shall include the number and geographic distribution of applicants accepted and rejected, the acreage and cost of purchase and such other information as will enable evaluation of the program.

Section 10. Land under watershed preservation restriction, while remaining under such restriction, shall be assessed for general tax purposes, to reflect the diminution of land value which may be caused by such watershed preservation restriction.

SECTION 110. Section 5A of chapter 28A of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 111. Section 2C 1/2 of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 112. Said chapter 29 is hereby further amended by striking out section 2H, as amended by section 13A of chapter 277 of the acts of 2004, and inserting in place thereof the following section:—

Section 2H. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Stabilization Fund, consisting of amounts transferred to the fund in accordance with the provisions of section 5C and income derived from the investment of amounts so transferred. The purpose of the fund shall be to create and maintain a reserve to which any available portion of a consolidated net surplus in the operating funds shall be transferred and from which appropriations may be made for the following purposes: (1) to make up any difference between actual state revenues and allowable state revenues in any fiscal year in which actual revenues fall below the allowable amount and (2) to replace the state and local loss of federal funds or (3) for any event which threatens the health, safety or welfare of the people or the fiscal stability of the commonwealth or any of its political subdivisions. Such event or events, as determined by the general court, shall include, but not be limited to, a substantial decline in economic indicators which result in severe reductions in state revenues or state financial assistance to local governmental units, or court ordered or otherwise mandated assumptions by the commonwealth of programs or costs of programs previously borne by local governmental units. The determination by the general court to transfer and appropriate for any such purpose shall be made after a hearing before the joint committee on ways and means and a comprehensive analysis of alternative legislative action and revenue sources, upon a finding that the transfer and appropriation will not adversely affect the overall fiscal health of the commonwealth, taking into account indicators of future economic performance and conditions affecting state revenues.

In the event that the amount remaining in the fund at the close of a fiscal year exceeds 15 per cent of the budgeted revenues and other financial resources pertaining to the budgeted funds, as confirmed by the comptroller in the audited statutory basis financial report for the immediately preceding fiscal year, the amounts so in excess shall be transferred to the Tax Reduction Fund established by section 2I.

SECTION 113. Section 2J of said chapter 29, as so appearing, is hereby repealed.

SECTION 114. Section 2K of said chapter 29, as so appearing, is hereby repealed.

SECTION 115. Section 2P of said chapter 29, as so appearing, is hereby repealed.

SECTION 116. Section 2P 1/2 of said chapter 29, as so appearing, is hereby repealed.

SECTION 117. Section 2R of said chapter 29, as so appearing, is hereby repealed.

SECTION 118. Section 2S of said chapter 29, as so appearing, is hereby repealed.

SECTION 119. Section 2T of said chapter 29, as so appearing, is hereby repealed.

SECTION 120. Section 2U of chapter 29 of the General Laws, as most recently amended by section 35 of chapter 164 of the acts of 2002, is hereby repealed.

SECTION 121. Section 2Y of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 122. Section 2AA of said chapter 29, as so appearing, is hereby repealed.

SECTION 123. Section 2BB of said chapter 29, as so appearing, is hereby repealed.

SECTION 124. Section 2CC of said chapter 29, as so appearing, is hereby repealed.

SECTION 125. Section 2EE of said chapter 29, as so appearing, is hereby repealed.

SECTION 126. Section 2FF of said chapter 29, as so appearing, is hereby amended by striking in line 53 of subparagraph (e) the words "section 24G of chapter 111" and inserting in place thereof the following:— section 10E of chapter 118E.

SECTION 127. Subparagraph (f) of said section 2FF of said chapter 29, as so appearing, is hereby repealed.

the first paragraph of
amended by striking out.

The determination, by a two-thirds majority vote, of the general court to transfer or appropriate for any such purpose shall be made, after a hearing before the joint committee on ways and means and a comprehensive analysis of alternative legislative action and revenue sources, upon a finding that the transfer or appropriation will not adversely affect the overall fiscal health of the Commonwealth, taking into account indicators of future economic performance and conditions affecting state revenues.

SECTION 128. Section 2GG of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 129. Section 2II of chapter 29 of the General Laws, ~~as most recently amended by section 37 of chapter 184 of the acts of 2002~~, is hereby repealed.

SECTION 130. Section 2KK of chapter 29 of the General Laws, ~~as appearing in the 2000 Official Edition~~, is hereby repealed.

SECTION 131. Section 2LL of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 132. Section 2MM of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 133. Section 2NN of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 134. Section 2OO of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 135. Section 2RR of chapter 29 of the General Laws, ~~as most recently amended by section 150 of chapter 184 of the acts of 2002~~, is hereby repealed.

SECTION 136. Section 2SS of chapter 29 of the General Laws, ~~as appearing in the 2000 Official Edition~~, is hereby repealed.

SECTION 137. Section 2UU of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 138. Section 2VV of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 139. Section 2WW of said chapter 29, ~~as so appearing~~, is hereby repealed.

SECTION 140. Section 2XX of chapter 29 of the General Laws, ~~as most recently amended by section 15 of chapter 177 of the acts of 2001~~, is hereby repealed.

SECTION 141. Section 2YY of chapter 29 of the General Laws, ~~as appearing in the 2000 Official Edition~~, is hereby repealed.

SECTION 142. Section 2CCC of chapter 29 of the General Laws, ~~as added by section 13(B) of chapter 177 of the acts of 2001~~, is hereby repealed.

SECTION 143. Section 2EEE of chapter 29 of the General Laws, ~~inserted by section 9 of chapter 236 of the acts of 2002 and as most recently amended by section 4 of chapter 364 of the acts of 2002~~, is hereby repealed.

SECTION 144. Section 3A of chapter 29 of the General Laws, ~~as appearing in the 2000 Official Edition~~, is hereby amended by striking said section and inserting in place thereof the following:

~~Section 3A. Requests for information; proposed legislation; estimate of costs.~~
Section 3A. Any officer having charge of any state agency which receives a periodic appropriation from the commonwealth, or any officer of a state authority or commission, shall upon the request of any standing committee of the house or senate, or of any joint standing committee of the general court, furnish in writing to such committees, in a format prescribed by such committees, any information requested by such committees that is necessary for said committees to perform their duties. Said information shall include, but not be limited to, historical, current or proposed operational costs funded through either appropriation, capital accounts, federal grants, trust funds or other funding sources, said officer's estimate of the cost of proposed legislation affecting activities which are or would be under his supervision, estimates of and reasons for any supplemental funding that is projected to be needed during the fiscal year, estimates of revenue collections, estimates of proposed changes in fees or taxes, or any other such information as may be required by said committees. Such estimates shall be provided to such committees within 10 days of the receipt of such a request by said officer; provided, that if such officer fails to respond within the said 10 day time limit, the matter shall be referred to the House or Senate committee on Post Audit and Oversight who shall, in conjunction with the committee who originally requested said information, determine if further action is necessary.

SECTION 145. Section 5B of chapter 29, ~~as most recently amended by section 42 of chapter 184 of the acts of 2002~~, is hereby further amended by striking the eighth paragraph and inserting in place thereof the following paragraph:—

On or before January 15, the commissioner shall meet with the house and senate committees on ways and means and shall jointly develop a consensus tax revenue forecast for the budget for the ensuing fiscal year which shall be agreed to by the commissioner and said committees. In developing such a consensus tax revenue forecast, the commissioner and said committees, or subcommittees of said committees, are hereby authorized to hold joint hearings on the economy of the commonwealth and its impact on tax revenue forecasts; provided, however, that in the first year of the term of office of a governor who has not served in the preceding year, said parties shall agree to the consensus tax revenue forecast not later than January 31 of said year. Said estimate shall be net of the amount necessary to transfer, from the General Fund to the Commonwealth's Pension Liability Fund, which would fully fund the system according to the schedule established pursuant to paragraph (1) of section 22C of chapter 32. Said consensus tax estimate shall also include an estimate of taxes collected pursuant to chapter 62 for capital gain income, as defined therein. The department of revenue shall report on a monthly basis to the house and senate committees on ways and means and the joint committee on taxation the amount of revenues estimated to be collected in that month from capital gains income. Said consensus tax revenue forecast shall be included in a joint resolution and placed before the members of the general

court for their consideration. Such joint resolution, if passed by both branches of the general court, shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing fiscal year.

SECTION 146. Section 5C of chapter 29 of the General Laws, as amended by section 43 of chapter 184 of the acts of 2002, is hereby further amended by striking sub clauses (b), (c), (d) and (e) and inserting in place thereof the following:—

(b) the comptroller shall transfer 15 per cent of the amount remaining of the consolidated net surplus after amounts made available in clause (a) to the One-Time Capital Projects Improvement Fund established in section 2BBB;

(c) the comptroller shall transfer 85 per cent of any remaining amount of the consolidated net surplus after amounts made available in clause (a) to the Commonwealth Stabilization Fund

SECTION 147. Section 9C of chapter 29 of the General Laws, as amended by section 3 of chapter 1 of the acts of 2003, is hereby further amended by striking said section and inserting in place thereof the following section

Section 9C. Whenever, in the opinion of the commissioner of administration, available revenues as determined by him from time to time during any fiscal year under section 5B will be insufficient to meet all of the expenditures authorized to be made from any fund, whether by appropriation or distribution, he shall within 5 days notify in writing the governor and the house and senate committees on ways and means of the amount of such probable deficiency of revenue and the governor shall, within 15 days of such notification, reduce allotments under section 9B, and submit in writing a report stating the reason for and effect of such reductions, or submit to the general court specific proposals to raise additional revenues by a total amount equal to such deficiency. Any action challenging the legality of an allotment reduction pursuant to this section shall be commenced in the supreme judicial court for Suffolk county.

Any time after the governor reduces allotments pursuant to the proceeding paragraph, the governor must notify the house and senate committees on ways and means in writing 15 days prior to any alterations to the original allotment reduction plan; provided further, that any alterations to the original allotment reduction plan that would seek to raise an allotment must offer an equal reduction in other allotments or offer a proposal to raise additional revenues to total the amount of said allotment increase.

As an alternative to the submission of such proposals to raise additional revenues and to the extent funds are available, the governor may recommend an appropriation equal to such deficiency from the Commonwealth Stabilization Fund in the manner provided in section two H.

SECTION 148. Subsection (b) of section 3 of chapter 29D of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed

SECTION 149. Paragraph 7 of subsection (1) of section 22C of chapter 32 of the General Laws, as most recently amended by section 5 of chapter 46 of the acts of 2002, is hereby further amended by striking the first sentence and inserting in place thereof the following:—

In each fiscal year, there shall be transferred from the General Fund by the Comptroller, without further appropriation, to the Commonwealth's Pension Liability Fund the amount necessary to fully fund the system as determined by the schedule set forth in this section, including, without limitation, the amounts required under section 104. The Comptroller may make such transfer in increments during the fiscal year as he deems appropriate to meet the cash flow needs of the Commonwealth.

SECTION 150. Said paragraph 1 of said subsection (1) of said section 22C of said chapter 32, as so appearing, is hereby further amended by inserting, in the third sentence after the word "appropriated" the following:— or transfers.

SECTION 151. Said paragraph 1 of said subsection (1) of said section 22C of said chapter 32, as so appearing, is hereby further amended, in the last sentence of said paragraph, by inserting after the word "appropriations" the following:— or transfers.

SECTION 152. Paragraph 2 of subsection (1) of section 22C of chapter 32 of the General Laws, as most recently amended by section 4 of chapter 118 of the acts of 2002, is hereby further amended by striking the last sentence of said paragraph and inserting in place thereof the following:—

if said schedule is not so approved such payments or transfers shall be made in accordance with the most recent three year actuarial valuation which was so approved; provided, that such payments shall be an amount which is not less than the then previous year's appropriations, or transfers.

SECTION 153. Paragraph 3 of subsection (1) of section 22C of chapter 32 of the General Laws, as most recently amended by section 4 of chapter 118 of the acts of 2002, is hereby further amended by inserting after the word "appropriations" the following:— or transfers.

SECTION 154. Section 14 of chapter 38 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the first sentence the words "of fifty dollars" and inserting in place thereof the following:— as determined from time to time by the secretary of public safety; provided however, that said fee shall be not less than \$75,

SECTION 155. Chapter 40L of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the words "department of food and agriculture" in each instance where they appear within said chapter and inserting in place thereof in each instance the following:— "department of conservation and agriculture"

SECTION 156. Section 108L of chapter 41 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following:—

Only graduates of criminal justice or law enforcement programs that meet or exceed the guidelines for criminal justice and law enforcement programs as set forth by the board of higher education shall be eligible for the police career incentive pay program.

INSERT AFTER
SECTION 148
ON PAGE 21

SECTION 148A. Section 1 of Chapter 30A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of "regulation" in paragraph (5) the following new paragraph: -

(6) "Regulatory impact statement" a statement by the promulgating agency which shall (a) identify the statutory change, problem, issue or deficiency addressed by the proposed regulation; (b) identify the methodology or approach, including identification of expert information and analysis, used to address the statutory change, problem, issue or deficiency; (c) identify specifically who is affected and to what extent by the proposed regulation; (d) identify when such regulation becomes effective, when such regulation will be changed, if known, and how and when the regulation will be reviewed in the future, if at all; (e) identify and describe the immediate and long term financial impacts of the regulation on the issuing agency, each affected person, party or group of affected parties, state government, and the public, including permitting costs, internal compliance costs, and indirect costs, if any; (f) identify the fiscal effect on the public and private sectors for the first and second year

✓ ~~148A~~

of the regulation's existence, and provide a projection of fiscal impact over the first five years; and (g) identify and describe specifically the benefits of the regulation. Any data, including written information or material, statistics, measurements, calculations or other information used as the basis for reasoning, recommendation or conclusions, including any such information provided to the agency by a consultant, vendor or other third party, shall be part of the record and available to the public upon request.

SECTION ^{148B}. Section 2 of said chapter 30A of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following new paragraph: -

Every agency issuing rules and regulations shall maintain a notification list of persons and groups who are interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, with such request renewed annually by persons or groups in December. No later than thirty days prior to the notice of hearing described above, the agency shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of rulemaking and to the appropriate committee of the Legislature that has legislative jurisdiction for the rule issuing agency, and to the Ways and Means Committees of both the House of Representatives and the Senate. The preliminary notification of rulemaking shall (a) identify the rule to be noticed for hearing and the scope of the proposed rule, (b) provide the statutory authority for such proposed rulemaking, and (c) identify the person within the agency responsible for the rulemaking and who can be contacted for more information.

SECTION ^{148C}. Section 3 of said chapter 30A of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following: -

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Every agency issuing rules and regulations shall maintain a notification list of persons and groups interested in the agency's rulemaking and who request preliminary notification of agency rulemaking, such request renewed annually by persons and groups in December. No later than thirty days prior to the notice described above the agency shall send a preliminary notification of agency rulemaking to each person or group who has requested preliminary notification of agency rulemaking and to the appropriate committee of the Legislature that has legislative jurisdiction for the rule issuing agency and to the Ways and Means Committees of the House of Representatives and the Senate. The preliminary notification shall (a) identify the rule to be noticed and the scope of the proposed rule, (b) provide the statutory authority for such proposed rulemaking, and (c) identify the person within the agency responsible for the rulemaking and who can be contacted for further information.

148D
SECTION 5 Section 5 of chapter 30A of the General Laws, as so appearing, is hereby amended by deleting the first sentence of the second paragraph and inserting in place thereof: -

No rule or regulation so filed with the state secretary, except those filed for the purpose of setting rates, issuing grants or providing loans, and except those filed by the Department of Telecommunications and Energy or the Division of Insurance, shall become effective until a regulatory impact statement has been completed, made public during the hearing process described above, approved by the secretary of economic development, and filed with the state secretary. No regulation will be in effect for a period of more than five years from the date of adoption, provided however, that the issuing agency may affirmatively extend the regulations so long as a new regulatory impact statement is completed prior to expiration of the regulations, proper notice is given to interested parties and a public comment period is provided. The secretary economic development shall adopt regulations to further define and implement the use of regulatory impact statements in agency rulemaking.

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Any degree programs pursued for police career incentives pay increases shall be required to submit a letter of intent annually to the chancellor of the board of higher education to seek approval as a police career incentive pay program. The president of a New England association of schools and colleges accredited institution or board of higher education approved institution with an approved criminal justice or law enforcement program shall submit a letter of intent to the chancellor of the board of higher education indicating the institution's intent to seek approval of its criminal justice degree program(s) during the first year of the implementation of the guidelines. Said letter of intent shall include a statement of commitment to implement guidelines for criminal justice and law enforcement programs, so called, for all students enrolling in a criminal justice or law enforcement program.

Any application to seek approval as a police career incentives pay program participating institution shall include the following: (1) a profile of said program, (2) a self assessment of the program(s), and (3) an application fee to cover the evaluation costs of the review process.

Each institution shall pay an evaluation fee to the board of higher education's police career incentive pay program quality assurance trust fund to cover the costs of review of its program(s). In addition to said fee, the institution shall pay for travel, room, board and other normal expenses of the external evaluation committee. If said committee requires subsequent visits, the board of higher education shall charge for further expenses at its discretion. Evaluation fees will be determined by the total number of degrees awarded to all students enrolled in the criminal justice and law enforcement program(s) being reviewed based on an average of the three years immediately prior to the submission of the application. Fees shall be set in the following manner: \$1000 for a degree program with an average enrollment of not more than 20 students per year, \$1500 for a degree program with an average enrollment between 20 and 50 students per year, \$2000 for a degree program with an average enrollment between 51 and 100 students per year, \$2500 for a degree program with an average enrollment between 101 and 150 students per year, \$3000 for a degree program with an average enrollment between 151 and 200 students per year, and \$3500 for a degree program with an average enrollment above 200 students per year.

Once an application is submitted, the following timetable shall apply: (1) not more than 30 business days after application submission, the board of higher education shall determine whether or not the application is complete and notify the institution, (2) not more than 30 business days after notification, the board of higher education shall appoint an external evaluation committee in accordance with the guidelines for criminal justice and law enforcement academic programs, set forth by said board, (3) not more than 30 business days after committee appointment, said committee shall submit a report to the board of higher education staff, (4) not more than 30 business days after receipt of said report by the board of higher education, the committee's final report shall be sent to the institution with a response, (5) Not more than 30 days after receiving the institution's response, the staff of the board of higher education shall evaluate materials submitted by the institution, the committee's written report, the written response by the institution and any additional information submitted by the institution, and based on its review, the board staff shall make a recommendation to the board for deferral, approval or disapproval. If the board finds a determination of disapproval, the board shall provide a statement of reason for the decision.

Programs approved by the board of education shall be included on an approved program list for five years. The institutions shall annually submit a status report on its approved programs to the board. Programs receiving deferrals from the board shall receive specific conditions that must be met and a timetable for coming into compliance. Programs not approved by the board may not re-apply for at least one calendar year following the board's determination.

When, in the judgment of the board staff, a review or inspection of a degree program is necessary, the board, in conjunction with the applicant institution, shall select and appoint an external evaluation committee to serve in the following manner: (1) The committee shall review the materials submitted by the program, shall, under most circumstances, visit the institution and shall submit a report to the board containing recommendations regarding the programs request for approval. (2) The number of reviews on the committee shall be determined by size, number and level of program(s) being reviewed and shall under no instance have fewer than two academicians. (3) To be eligible to serve as an evaluator, individuals shall have earned at least a master's degree in criminal justice or a closely related discipline. Academic team members shall have professional experience in college-level teaching, research, administration and/or other relevant activities with institutions of higher education. Practitioners shall have at least five years of full-time supervisory and/or administrative experience as a criminal justice practitioner, as well as specific knowledge of or experience in criminal justice education. (4) No person shall serve as an evaluator who is employed by an institution deemed by the board to be in direct competition with the institution under review. (5) No person shall serve as an evaluator who has a present or recent official or unofficial connection with the institution under review, or who the board has reason to believe has independent or pecuniary interest in the outcome of the board's final action. External evaluators shall have a disinterested professional commitment to the task of rendering objective finding and recommendations based upon empirical evidence and informed judgments. (6) Each committee shall have a chair who shall be responsible for providing leadership to the committee, for being the committee's liaison with the institution and for preparing with other committee members, the committee's report. (7) The committee shall submit a written report, including recommendations to the board. Board staff shall forward a copy of said report to the institution to correct factual errors and respond to the content and recommendations within said report. (8) Evaluators will be given an honorarium by the board of higher education and all expenses shall be paid by the institution under review. (9) Evaluators will be provided an orientation prior to conducting reviews.

Annually, each approved institution shall submit two copies of a report to the board reviewing the status of the institution's criminal justice and law enforcement program(s). This report shall certify that the criminal justice program is being maintained and operated with the provisions and guidelines set forth by the board of higher education guidelines for criminal justice and law enforcement programs. If at any time, in the judgment of the board staff, there is a reasonable probability of non-compliance with the board's guidelines by a particular institution, the board may review said institution to determine if continued approval of said institution is proper.

An institution that is in objection of an adverse decision may appeal the board's determination. Said appeal shall be heard by a review panel appointed by the board of higher education and the findings and recommendations of the panel will be received by the board.

Following the implementation of the guidelines for criminal justice and law enforcement programs, as approved by the board of higher education, said board shall certify career incentive pay increases only for students who have graduated from New England Association of School and Colleges accredited or Board Approved law schools and who have passed the Massachusetts Bar Examination.

10
SECTION 157. Section 72 of chapter 44 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended, in line 59, by inserting after the word "commission", the following: —, charter school.

SECTION 158. Section 18D of chapter 58 of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

288
SECTION 159. Section 1 of chapter 62D of the General Laws, as most recently amended by section 247 of chapter 184 of the acts of 2002, is hereby further amended by striking out the definition of "debt" and inserting in place thereof the following: —
"Debt", an unpaid spousal or child support obligation which is being enforced by the claimant agency, or which is collected or ordered to be collected by a court, whether or not there is an outstanding judgment for the sum; an amount owed the division of medical assistance by a debtor; an amount owed the department of transitional assistance by recipients, or former recipients, of public assistance; any liquidated sum due and owing to the corporation on an education loan made under any of the programs administered by the corporation in behalf of the commonwealth whether or not there is an outstanding judgment for that sum or any liquidated sum, certified by the comptroller as due and owing to any state agency, as defined in section 1 of chapter 29, any overdue debt certified by the comptroller as due or owing to a city or town of the commonwealth or any agency of the city or town or any state authority as defined in said section 1 of said chapter 29, or an amount owed the division of health care finance and policy on behalf of the uncompensated care pool by a person or a guarantor of a person who received free care services paid for in whole or in part by the uncompensated care pool or on whose behalf the uncompensated care pool paid for emergency bad debt, pursuant to subsection (m) of section 18 of chapter 118G.

Definition

was amended by section 4 of said chapter 2,
SECTION 160. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by striking out the definition of "debtor" and inserting in place thereof the following: —
"Debtor", any individual owing money for support payments to the claimant agency or to persons for whom the claimant agency is providing enforcement services under state and federal law; any individual owing money to the division of medical assistance for costs incurred as a result of noncompliance by that individual with an order to provide coverage for the cost of health services to a child eligible for assistance under Title XIX of the Social Security Act, as further described in section 23 of chapter 118E; any individual owing money to the division of employment and training; any individual owing money to the department of transitional assistance for overpayments of public assistance; any individual owing money on an education loan to the corporation or any individual or entity owing a debt as defined herein, which obligation has not been adjudged satisfied by court order, set aside by court order, or discharged in bankruptcy; or any individual owing the Uncompensated Care Trust Fund administered by the division of health care finance and policy for the cost of free care services or emergency bad debt paid for in whole or in part by the uncompensated care pool, pursuant to subsection (m) of section 18 of chapter 118G.

Section 161
SECTION 161. Section 1 of chapter 62D of the General Laws, as most recently amended by section 67 of chapter 184 of the acts of 2002, is hereby amended by inserting after the words "any agency of the city or town" the words: — or any housing authority.

Clause (ix) of
SECTION 162. Section 13 of chapter 62D of the General Laws, as most recently amended by section 68 of chapter 184 of the acts of 2002, is hereby amended in clause (ix) by inserting after the words "to an agency of a city or town" the words: — or to a housing authority.

put
SECTION 163. Section 6A of chapter 62F of the General Laws, as amended by section 71 of chapter 184 of the acts of 2002, is hereby amended by striking the second paragraph and inserting in place thereof the following: —
For any fiscal year when expenditure from the Commonwealth Stabilization Fund is required to pay expenses of the Commonwealth, the comptroller shall reimburse the Commonwealth Stabilization Fund from the temporary holding fund the amount of all such appropriations from the Commonwealth Stabilization Fund, provided that said reimbursement shall not exceed the balance in the temporary holding fund. After the determination and disposition of consolidated net surplus pursuant to section 5C of chapter 29 and reimbursement of the Commonwealth Stabilization Fund pursuant to this section, any balance in the temporary holding fund after the comptroller makes any transfer to or from the General Fund required for the fourth quarter of a fiscal year shall be transferred in the following proportions: 10 percent to the Tax Reduction Fund established in section 21 of chapter 29; 35 percent to the One-Time Capital Projects Improvement Fund established pursuant to section 2BBB of chapter 29; 55 percent to the Stabilization Fund established pursuant to section 2H of chapter 29. In the event that the amount of said transfer to the Commonwealth Stabilization Fund would cause the ending balance in the Stabilization Fund to exceed the limits defined in section 2H of chapter 29, the amounts so in excess shall be transferred to the Tax Reduction Fund, established pursuant to section 21 of said chapter 29.

out paragraph (k)
SECTION 164. Section 31A of chapter 63 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking section (k) and inserting in place thereof the following: —
(k) The provisions of paragraphs (a) and (f) shall not be available for the taxable years ending on or after December 31, 1993 but shall be available for the taxable years beginning on or after January 1, 2009.

2009
SECTION 165. Said section 31A of said chapter 63, as so appearing, is hereby amended by striking section (l) and inserting in place thereof the following: —
(l) The provisions of paragraphs (i) and (j) shall be available only for the taxable years ending on or after December 31, 1993, but shall not be available for the taxable years beginning on or after January 1, 2009; provided, however, that a corporation shall not be eligible for said credit for more than *nineteen* taxable years.

2009
SECTION 166. Paragraph (b) of section 5A of chapter 71B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definitions "in-district programs" and "out-of-district programs".

SECTION 167. Said section 5A of said chapter 71B, as so appearing, is hereby amended by striking paragraph (c) and inserting in place thereof the following paragraph:—

(c) Instructional costs eligible for reimbursement under said program shall be reported by a school district to the department in a form and manner as prescribed by the commissioner. For each such school district, the department shall review said report and approve those per pupil instructional costs that are eligible for reimbursement pursuant to said program within 30 days of submission. Based upon said approved costs, the department shall calculate the reimbursement due a municipality. The costs of programs shall be reimbursed at 75 per cent of all such approved costs that exceed 4 times the state average per pupil foundation budget, as defined in said chapter 70, for the current fiscal year.

SECTION 168. ~~Subsection (c) of section 5A of chapter 71B of the General Laws, as so appearing, is hereby amended by striking the following paragraph:—~~

(iii) Notwithstanding the foregoing, the reimbursement rate for students who have no father, mother, or guardian living in the commonwealth, and for any school age child placed in a school district other than a home town by, or under the auspices of, the department of transitional assistance or the department of social services, shall be 100 per cent of all said approved costs that exceed four times the state average per pupil foundation budget.

SECTION 169. Section 18 of chapter 81A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking, in line 58, the words "not less than one million dollars" and inserting in place thereof the following:— not less than \$500,000 and not more than \$1,000,000.

SECTION 170. Section 20 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 66, the figure "\$25" and inserting in place thereof the following figure:— \$50.

~~SECTION 171. Section 22 of said chapter 90, as so appearing, is hereby amended by striking out the end thereof the following new subsection:—~~

(j) Upon notice by a housing authority as defined by section 3 and 3A of chapter 121B of the General Laws, the registrar shall not issue, renew or reinstate a license to operate of any person against whom a judgment has been issued by an court in the commonwealth for rent due.

SECTION 172. Section 22 of said chapter 90, as so appearing, is hereby amended by inserting after subsection (i) in line 474 the following:—

(k) Upon receipt of notice, as specified by the registrar, from the sex offender registry board, that a sex offender has failed to comply with the registration requirements of sections 178C through 178P, of chapter 6, the registrar, shall suspend or prohibit issuance or renewal of a license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration held by such a sex offender. The sex offender shall receive notice that the registrar shall suspend or prohibit renewal of such a license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration in 90 days due to his failure to comply with the registration requirements of sections 178C through 178P, of chapter 6, unless the sex offender furnishes proof to the registrar that he has complied with his sex offender registration requirements. A sex offender whose license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration has been suspended due to his failure to comply with the registration requirements of sections 178C through 178P, of chapter 6 may petition for reinstatement of such license, learner's permit, right to operate a motor vehicle, or certificate of motor vehicle registration at any time if he can furnish sufficient proof as determined by the registrar that the sex offender is in compliance with his sex offender registration requirements. The registrar shall promulgate regulations to implement this section, which shall include the opportunity for a hearing to challenge the lack of sex offender registration compliance. If a hearing is requested, the sex offender registry board shall be notified of the time, place, date of hearing and the identity of the sex offender. An affidavit from the sex offender registry board may be introduced as prima facie evidence of the lack of sex offender registration compliance without the need for members or employees of the sex offender registry board to attend any hearings held under this section.

The registrar shall reinstate, issue or renew such license, learner's permit or right to operate a motor vehicle or allow the registration of a motor vehicle if the sex offender registry board provides to the registrar a notice, as specified by the registrar, stating that the sex offender is in compliance with the registration requirements of sections 178C through 178P of chapter 6 and such sex offender shall be assessed a \$100 sex offender registry reinstatement fee which shall be transmitted by the registrar to the treasurer for deposit into the general fund. Notices between the sex offender registry board and the registrar under this subsection may be made in any form, including electronic transmission.

SECTION 173. Subsection (1)(a)(1) of section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in line 10, the figure "\$125" and inserting in place thereof the following figure:— \$250.

SECTION 174. Subsection (2)(a) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in line 770, the figure "\$125" and inserting in place thereof the following figure:— \$250.

SECTION 175. Section 33 of said chapter 90, as so appearing, is hereby amended by striking paragraph 36 and inserting in place thereof the following paragraph:—

(36) For the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under the provision of subsections (a), (e) and (f) of section 22, sections 22F, 23, 24, excepts as otherwise provided below, section 24B, 24D, 24G, 24L or section 34J, and section 28 of chapter 266, the fee shall be \$500. The fee for reinstatement following revocation pursuant to subparagraph (2) of paragraph (c) of subdivision (1) of said section 24 shall be \$700 and the fee for such reinstatement following a revocation pursuant to subparagraphs (3) and (3 1/2) of said paragraph (c) of said subdivision (1) of said section 24 shall be \$1,200. The fee for reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under any general or special law of the commonwealth shall be \$100; provided however, the fee for reinstatement for suspensions and

the definitions of "District court" and "Division"

revocation pursuant to subsection (c) of section 22 shall be commensurate with the fee established for the corresponding Massachusetts offense resulting in the suspension or revocation pursuant to the General Laws.

SECTION 176. Section 2 of chapter 90C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out lines 39 through 49, and inserting in the place thereof the following paragraphs: *Definitions*

"District court", a division of the district court department or a session thereof for holding court or a division of the Boston municipal court department or a session thereof for holding court. It shall also include the divisions of the juvenile court department with respect to automobile law violations that are treated as a delinquency matter in such department and with respect to civil motor vehicle infractions that are recorded in conjunction with and that arise from the same occurrence as automobile law violations that are treated as a delinquency matter in such department.

"Division", a division of the district court department or juvenile court department or, a division of the Boston municipal court department.

Paragraph (4) of Subsection
SECTION 177. Paragraph (A) of section 3 of said chapter 90C, as so appearing, is hereby amended, in subsection (4), by inserting at the end of the first paragraph the following *paragraph*:

Upon his appearance before the clerk magistrate that is assigned to such a noncriminal hearing, the violator shall pay to said clerk-magistrate a fee of \$10 prior to the commencement of said hearing.

the fourth paragraph of said paragraph (4) of
SECTION 178. Said paragraph (A) of section 5 of said chapter 90C, as so appearing, is hereby *amended*, in said subsection (4), by inserting after the words "do move" in the fourth paragraph the following sentence:— Any violator so appealing the decision of a magistrate shall be responsible for paying a fee of \$20 prior to the commencement of said appeal hearing before a justice.

Chapter 91
SECTION 179. Section 1 of chapter 91 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended, by striking out, in lines 12 and 13, the words "environmental management" and inserting in place thereof the following: conservation and agriculture

SECTION 180. Section 10A 1/2 of said chapter 91, as so appearing, is hereby repealed.

SECTION 181. Chapter 92 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out sections 9 through 9A and inserting in place thereof the following *section*:

Section 9A. The division of urban parks and recreation, whereby for the remainder of this chapter shall be referred to as the division, shall construct, maintain and operate, at the existing dump on Grove street in the town of Watertown, provided said town of Watertown accepts this section, on the wastelands in the vicinity of the line between the city of Revere and the town of Saugus, in the vicinity of the Mystic Valley parkway in the city of Medford, such refuse disposal incinerators as shall be required to provide adequate disposal facilities for such of the cities of Boston, Chelsea, Everett, Lynn, Malden, Medford, Quincy, Revere and Somerville and of the towns of Arlington, Belmont, Lexington, Milton, Nahant, Swampscott, Watertown and Winthrop as accept this section. The division may acquire by eminent domain under chapter 79 or by purchase or otherwise such public or private lands or rights therein as may be deemed necessary for the purpose of carrying out this section.

The division shall keep a separate record of the cost of constructing, maintaining and operating each incinerator, and shall annually determine for each incinerator the proportion in which the cities and towns using the same deposit refuse therein. The amount of money required each year from every such city and town to meet the cost aforesaid shall be estimated by the state treasurer in accordance with the proportions determined as aforesaid by the division, and shall be paid by the city or town to the commonwealth as provided by section 20 of chapter 59.

After the expiration of 18 months from the completion of an incinerator under this section, no vehicle shall be used for transporting refuse to such incinerator unless such vehicle is covered in such a manner as to prevent the escape of refuse en route.

Said
SECTION 182. Chapter 92 of the General Laws, as so appearing, is hereby amended by striking out section 33 inserting in place thereof the following *section*:

Section 33. The division may acquire, maintain and make available to the inhabitants of Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Dedham, Dover, Everett, Hingham, Hull, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester and Winthrop, which shall constitute the urban parks district, open spaces for exercise and recreation, in this chapter called reservations; and, for the purposes set forth in this section, the jurisdiction and powers of the division shall extend to, and be exercised in, said district.

The division may preserve, beautify and care for such public reservations, and also, in its discretion and upon such terms as it may approve, such other open spaces within said districts as may be intrusted, given or devised to the commonwealth for the general purposes of this section or for any one or more of such purposes as the donor may designate.

The division may, for the purpose of making the rivers and ponds within said district more available as open spaces for recreation and exercise, regulate the use of certain spaces along or near said rivers and ponds, and care for and maintain spaces so regulated, and plant, care for, maintain or remove trees, shrubs and growth of any kind within said regulated spaces.

This section shall not limit existing rights of any town in relation to water supply purposes or in any way obstruct its taking advantage of such rights.

SECTION 183. Sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 64, 65, 66, 67, 68, 69, 72, 73, 74, 74A, 75, 76, 79, 80, 83, 84, 85, 86, 87, 88, 89, 90, 92, 94, 95, 95A, 96, 97, 100, 101, 103 inclusive, of Chapter 92 of the General

SECTION 181. Chapter 92 of the General Laws is hereby amended by striking out sections 9 through 9A, inclusive.

Laws, as so appearing, are hereby amended by striking out the word "commission" in each in each instance where it appears and inserting in place thereof in each instance the following:—"division"

SECTION 184. Sections 37, 39, 40, 54, 55, 67, 69, 79, 87, and 97 inclusive, of Chapter 92 of the General Laws, as so appearing, are hereby amended by striking out the words "metropolitan parks" in each instance where they appear and inserting in place thereof in each instance the following:—"division"

SECTION 185. ~~Chapter 92 of the General Laws, as so appearing, is hereby amended by striking out section 34, inserting~~ *and* ~~in place thereof the following:~~ *Section 34* ~~Section 34.~~ *Section 34.*

Section 34. The state treasurer may, with the approval of the governor and council, receive and hold in trust for the commonwealth, exempt from taxation, any grant or devise of lands or rights in land, and any gift or bequest of money or other personal property, made for the purposes of the preceding section, and shall preserve and invest the proceeds thereof in notes or bonds secured by good and sufficient mortgage or other securities. Said trust property shall be known as the Division of Urban Parks Trust Fund, and shall be used and expended under the direction of the division and subject to its orders. Subject to the terms of any such grant, gift, devise or bequest, the division may expend such funds, whether principal or income.

SECTION 186. ~~Chapter 92 of the General Laws, as so appearing, is hereby amended by striking out section 34A,~~ *and* ~~inserting in place thereof the following:~~ *Section 34A* ~~Section 34A.~~ *Section 34A.*

Section 34A. The director of the division of urban parks and recreation, hereinafter referred to as the director, may receive and hold in trust for the commonwealth, exempt from taxation, any instrument of value, including but not limited to, any gift or bequest of money or other personal property, and any grant or devise of lands or rights in land for the purpose of fostering and advancing the MetroZoos zoological parks of the commonwealth and shall administer the same in such a manner as to carry out the terms of such bequests or gifts, grants, or devises. All money and securities received hereunder shall be transferred to the state treasurer, who shall preserve and invest the proceeds thereof, in notes or bonds secured by good and sufficient mortgage or other securities. Said trust property shall be known as the MetroZoos Zoological Trust, and shall be used and expended under the direction of the director after notification to the division. Subject to the terms of any such grant, gift, devise, or bequest, the division of urban parks and recreation may expend such funds, whether principal or income.

SECTION 187. ~~Chapter 92 of the General Laws, as so appearing, is hereby amended by striking out section 34B,~~ *and* ~~inserting in place thereof the following:~~ *Section 34B* ~~Section 34B.~~ *Section 34B.*

Section 34B. (a) The division of urban parks and recreation is hereby authorized to establish a park ranger program within the department to preserve, maintain and protect the parks, reservation, historic sites and open space and to ensure the environmental integrity of properties under the care, custody and control of the division. (b) To further the objectives of the park ranger program, the division shall be concerned with the use by the public for exercise, education and recreation of the reservations; and, notwithstanding any general or special law or administrative bulletin to the contrary, the division shall adopt rules and regulations to define the authority of the park rangers in performing their duties and responsibilities to preserve and protect the reservations as defined above. Rules and regulations so promulgated shall include but not be limited to defining the programs, program objectives, mission, working rules and responsibilities of the park rangers. (c) The division shall cause such rules and regulations to be posted in the reservations to which they apply and shall also cause the same to be published at least once in a newspaper published in the county where said reservations are in whole or in part situated, and such posting and publication shall be sufficient notice to all persons. The sworn certificate of any member of the division or of its secretary of such posting and publishing shall be prima facie evidence thereof. (d) The park rangers are hereby authorized to issue citations under duly promulgated rules and regulations to any person violating any regulation concerning the parking of motor vehicles, littering, defacing division property and disturbing flora and fauna. Whoever violates any rule or regulation made hereunder shall be punished by a fine not exceeding \$200.

SECTION 188. ~~Chapter 92 of the General Laws, as amended by chapter 236 of the Acts of 2002, is hereby further~~ *amended by striking out section 34C and inserting in place thereof the following:* *Section 34C* ~~Section 34C.~~ *Section 34C.*

Section 34C. Notwithstanding any general or special law or administrative bulletin to the contrary and pursuant to section 34, there is hereby established and set up on the books of the commonwealth a separate fund, to be known as the Blue Hills Reservation Trust Fund, which shall be used for the purposes of advancing recreational, educational and conservation interests, including, but not limited to, the construction and maintenance of facilities and infrastructure improvements for the area within the reservation. The trust shall receive, hold and expend all fees generated by permits, licenses and all other agreements not currently being directed to the General Fund relating to the use of the reservation land as authorized by the division. The division shall not make expenditures from this fund so as to cause the fund to be deficient.

SECTION 189. ~~Chapter 92 of the General Laws, as so appearing, is hereby amended by striking out section 35A,~~ *and* ~~inserting in place thereof the following:~~ *Section 35A* ~~Section 35A.~~ *Section 35A.*

Section 35A. The division may authorize the removal to some convenient place, through the agency of a person or persons in the employ of the division, or by an independent contractor selected on the basis of competitive bids, any vehicle, except a vehicle owned by the commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, parked or standing on any part of a parkway, boulevard or roadway in such a manner as to impede in any way the removal or plowing of snow or ice, or parked or standing in violation of any rule or regulation adopted under section 37 which prohibits the parking or standing of all vehicles on such parkway, boulevard or roadway or portion thereof at such time and which recites that whoever violates such regulation shall be liable to charge for the removal and storage of the vehicle as well as subject to punishment by fine. Liability may be imposed for the reasonable cost of such removal, and for the storage charges, if any, resulting therefrom, upon the owner of such vehicle.

Said
SECTION 190. Chapter 92 of the General Laws, as so appearing, *further* is hereby amended by striking out section 37 *and* inserting in place thereof the following *section*:

Section 37. Except as provided in the 2 following sections, the division may make rules and regulations for the government and use of the reservations or boulevards under its care and to govern the public use of the Charles river, the Neponset river and the Mystic river, within the division district, and of the ponds and other waters along which it holds abutting lands for reservations in said district; provided, that no rule or regulation affecting waters used for water supply purposes shall take effect as to such waters until approved in writing by the water board or other officers having control of the same, nor shall any rule or regulation affect the water rights of any person, whether a mill owner or otherwise. No such rule or regulation shall prohibit the use of passenger or station wagon type motor vehicles whose gross weight is less than 5000 pounds and which are registered for commercial use, on ways, parkways or boulevards where noncommercial passenger-type motor vehicles are permitted to operate.

A police officer employed by a city or town in whose boundaries, reservations or boulevards are located shall have all the same powers they have as a police officer of the city or town to enforce the laws of the commonwealth and the rules and regulations of the commission on any bikeway, pathway, park, reservation or other land under the care of the commission.

The division shall cause such rules and regulations to be posted in the reservation or boulevard to which they apply, and shall also cause the same to be published at least once in a newspaper published in the county where said reservation or boulevard is in whole or in part situated, and such posting and publication shall be sufficient notice to all persons. The sworn certificate of any member of the division or of its secretary of such posting and publishing shall be prima facie evidence thereof.

Whoever violates any rule or regulation made hereunder shall be punished by fine not exceeding \$200.

Said
SECTION 191. Chapter 92 of the General Laws, as so appearing, *further* is hereby amended by striking out section 60 *and* inserting in place thereof the following *section*:

Section 60. The expense of the salaries of the division of urban parks and recreation, and such expense of maintenance of the general office and otherwise as the division shall determine are not clearly or wholly incurred in the maintenance work of either the division parks or boulevards shall be paid one-half as maintenance of reservations by the division district and one-half as maintenance of boulevards by the commonwealth. The state treasurer shall include the amounts required of each town of said district to meet said expenses in the sums assessed upon said towns and such amounts shall be paid by said towns to the commonwealth as provided by section 20 of chapter 59.

Said
SECTION 192. Chapter 92 of the General Laws, as so appearing, *further* is hereby amended by striking out section 76A *and* inserting in place thereof the following *section*:

Section 76A. The division of urban parks and recreation, after a public hearing notice of which shall be sent to the department of environmental protection, and to all cities and towns bordering on the Charles river basin, as defined by section 2 of chapter 524 of the acts of 1909 and acts in amendments thereof and in addition thereto, and subject to the approval of said department as hereinafter provided, may grant to any such city or town which accepts sections 76A to 76E, inclusive, by vote of the city council or selectmen a permit to take water from said basin for purposes of fire protection and of sale, at such price as the municipality may determine, to manufacturing establishments within its limits for cooling and condensing purposes. A city or town receiving such a permit may construct and maintain on lands owned by it all necessary works and pumping stations and may lay and maintain in such lands and in its streets all necessary mains and pipes, and, to such extent and on such terms and conditions as may be authorized in such permit, may lay said mains and pipes on or in lands under the control of the commission. Any permit granted hereunder shall prescribe the maximum amount of water which may be drawn from said basin thereunder, and the place and manner of taking said water and of the return of said water except such as is used for fire protection, and shall provide for the metering of said water both at the place of taking and of return, and for reimbursing the commission for all expenses of supervision and inspection. Such permit shall also prescribe the location, and the mode of construction and of laying, of all works, mains and pipes within lands under the commission's control, and such other terms and conditions as in the commission's opinion the public interest may require. No such permit shall be granted except in such form as shall be approved by said division, and no construction shall be commenced or carried on thereunder until all plans and specifications have been submitted to and approved by said division.

Sections 104 to 120, inclusive, of said
SECTION 193. Chapter 92 of the General Laws, as so appearing, *are* hereby amended by striking out sections 104 through *120 inclusive* *repealed*,

further
SECTION 194. The General Laws, as so appearing, are hereby amended by inserting after Chapter 92 the following new chapter:—
Chapter 92A 1/2

Section 1. As used in this chapter, the following words, unless the context clearly indicates otherwise, shall have the following meanings:—

“Advisory committee”, the watershed system advisory committee for the appropriate watershed system.

“Alteration”, draining, dumping, dredging, damming, discharging, excavating, filling or grading; the erection, reconstruction or substantial expansion of any buildings or structures; the driving of pilings; the construction or reconstruction or paving of roads and other ways; the construction or reconstruction of utilities; the changing of run-off characteristics; the intercepting or diverting of ground waters, surface waters, reservoirs, tributaries, or aquifers; the installation or substantial expansion of drainage, sewage and water systems.

“Aquifer”, a geological formation, group of formations, or part of a formation in the Wachusett watershed that is capable of yielding a significant amount of water to a well or spring, as determined by reference to maps generated by the Massachusetts geographic information service based on the United States Geological Survey water resource atlases or any other source determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. The land directly overlaying an aquifer shall be deemed to be a part of said aquifer.

“Authority”, the Massachusetts Water Resources Authority.

“Bonds”, any bonds, notes or other evidences of indebtedness.

"Bordering vegetated wetland", a wet meadow, except meadows used for the grazing of livestock, marsh, swamp, bog, or other area, hydrologically connected to and bordering on a tributary, reservoir, flood plain, or surface water, which supports at least fifty percent wetland species..

~~"Department", the department of conservation and agriculture.~~

"Division", the subdivision of watershed management.

"Flood plain", the land adjoining a tributary, reservoir or surface water, which is subject to inundation from a flood having a one percent chance of being equalled or exceeded in any given year, commonly known as the one hundred year flood plain, as determined by reference to the most recent edition of the flood hazard boundary maps issued by the Federal Emergency Management Agency or any other source determined to be more accurate pursuant to subsection (m) of section one hundred and seven A.

"Ground water", water below the land surface in a saturated zone, including perched ground water.

"Hazardous material or waste", any material or waste, in whatever form, which because of its quantity, concentration, corrosivity, flammability, reactivity, toxicity, or infectious, chemical, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous material or waste shall include those materials listed in section two hundred and sixty-one of title forty of the code of federal regulations, or 310 CMR 40.900 Appendix I.

"Pollutant", any substance, man-made or resulting from human activities, that can alter the biological, chemical, physical, or radiological character of water.

"Quabbin watershed advisory committee", the committee established by section one hundred and fourteen.

"Revenues", charges, reimbursements and other receipts derived by the division from operation of the watershed system and from all other activities or properties of the division including, without limiting the generality of the foregoing, proceeds of grants, gifts, investments, earnings and proceeds of insurance or condemnation.

"Surface water", water in the watersheds, including any lake, spring, impoundment, and pond, as determined by reference to the most recent edition of maps generated by the Massachusetts geographic information service based on the United States Geological Survey one to twenty-five thousand scale quadrangle maps or any other map determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. Surface water shall include the land located thereunder and the banks thereto. Surface water shall exclude all reservoirs, tributaries, aquifers, ground waters, and man-made farm ponds used for irrigation, as well as all so-called great ponds of the commonwealth which do not drain into a tributary or a reservoir.

"Tributary", a body of running water, including, a river, stream, brook and creek, which moves in a definite channel in the ground due to a hydraulic gradient and which flows ultimately into a reservoir in the watersheds or the Ware river above the Ware river intake, as determined by reference to the most recent edition of maps generated by the Massachusetts geographic information service based on the United States Geological Survey one to twenty-five thousand scale quadrangle maps or any other map determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. A tributary shall include the land over which the water therein runs and the banks thereto.

"Ware river watershed advisory committee", the committee established by section one hundred and fourteen A.

"Watershed system", (i) all real and personal property interests held by or on behalf of the commonwealth immediately prior to the effective date of this act in and for the former metropolitan district commission water system which were part of or appurtenant to the Quabbin watershed, Quabbin reservoir, Ware river watershed, Wachusett watershed, Wachusett reservoir, North and South Sudbury watersheds, Sudbury reservoir, Framingham reservoirs 1, 2 and 3, Blue Hills reservoir, Bear Hill reservoir, Spot Pond reservoir, Fells reservoir, Weston reservoir, Norumbega reservoir, Chestnut Hill reservoir, including land, easements, buildings, structures, all equipment, machinery, vehicles, and appliances, improvements, water rights and rights in source of water supply and (ii) all enlargements and additions to the former metropolitan district commission water system acquired or constructed by the division for the purposes of the watershed system, including land, easements, buildings, structures, equipment, machinery, vehicles, and appliances, improvements, reservoirs, dams, water rights and rights in sources of water supply, but excluding the waterworks system of the Authority.

"Watersheds", the natural basin from within which water drains or in natural course would drain into the Quabbin reservoir, the Wachusett reservoir, or the Ware river upstream of the Ware river intake.

Section 2. There shall be within the department a division of watershed management which shall be subject to the provisions of chapter 737 of the acts of 1972. The division shall construct, maintain and operate a system of watersheds, reservoirs, water rights and rights in sources of water supply, shall supply thereby a sufficient supply of pure water to the Massachusetts Water Resources Authority, and shall utilize and conserve said water and other natural resources in order to protect, preserve and enhance the environment of the commonwealth and to assure the availability of pure water for future generations. The division shall maintain a visitors' informational center at the Quabbin reservation.

Section 3. The division shall keep all bridges built by it across the reservoir upon the Nashua river safe, and shall have charge of, use, maintain and operate the same, and the commonwealth shall be exclusively responsible for all damages caused thereby or by any defect or want of repair therein. The department shall have the exclusive right and control over all ponds, reservoirs and other property within the watershed system, and may order all persons to keep from entering in, upon or over the waters thereof and the lands of the commonwealth or towns surrounding the same.

Section 4. The division shall have the exclusive right to and interest in hydroelectricity developed, generated, transmitted, distributed and sold as an incident to the operation of the watershed and waterworks systems, may undertake such projects for such purposes and may authorize or contract with any other person otherwise lawfully qualified for such person to perform on reasonable terms and conditions such activities on behalf of or by arrangement with the division. The division may by lease, license or permit or on its own behalf provide for the installation and operation of electric and telecommunications transmission facilities within said systems, provided that such facilities shall not interfere with the proper operation of said systems and that no lease, license or permit for such purpose shall be made for a term of more than forty years. Subject to contractual requirements or other legal obligations in force on the effective date of this act, the division shall permit use of water in reservoirs for hydroelectric generation only when and to the extent that water is otherwise subject to release for reasons of sound management of the reservoirs for watershed, waterworks and stream flow purposes. All revenues derived from the activities authorized herein shall annually be remitted by the division to the state treasurer who shall deposit said revenues into the general fund.

Section 5. (a) Any alteration, or the generation, storage, disposal, or discharge of pollutants is prohibited within those portions of the watersheds that lie within two hundred feet of the bank of a tributary or surface waters or within four hundred feet of the bank of a reservoir.

(b) (1) The uses and activities set forth in paragraph (2) are prohibited within those portions of the watersheds that lie:

(i) within the area between two hundred and four hundred feet of the bank of a tributary or surface waters;

(ii) within the flood plain of a tributary or waters, including that flood plain;

(iii) within bordering vegetated wetlands that border on tributaries or surface waters, or reservoirs;

(iv) within land that overlays an aquifer with a potential well yield of one hundred gallons per minute or more as determined pursuant to subsection (m); or

(v) within land that overlays an aquifer with a potential well yield of one or more but less than one hundred gallons per minute pursuant to a finding by the division, in consultation with the department of environmental protection, that regulation of said aquifer is necessary for the protection of the quality of the water in the surface waters, aquifers, reservoirs or the tributaries.

(2) The following uses are prohibited within the area regulated by paragraph (1):

(i) the disposal of pollutants from either private or publicly owned sewage treatment facilities;

(ii) the placement of the leaching field of a subsurface waste water disposal system less than four feet above the maximum water table level as measured at the time of annual high water;

(iii) the storage of liquid petroleum products of any kind; provided, however, that an end user of such product, such as a resident in connection with normal residential use or a person responsible for supplying heat to a residence, may store a reasonable volume of such material so long as such storage is in a free standing container inside of a structure, which structure shall include at a minimum a foundation thereof with a poured cement slab floor or a concrete reservoir of sufficient volume to hold one hundred and twenty-five percent of the tank's capacity;

(iv) the treatment, disposal, use, generation, or storage of hazardous material or waste, except a reasonable volume of hazardous material or waste, incidental to normal residential use;

(v) the storage and the disposal of solid waste other than a reasonable volume incidental to normal residential use;

(vi) the outdoor storage of road salt or other deicing chemicals; provided, however, that this section shall not prohibit the outdoor storage of sand, gravel, or materials used in road construction which are not hazardous materials or waste;

(vii) the outdoor storage of fertilizers, herbicides, and pesticides;

(viii) the use or storage of pesticides or herbicides which carry a mobility rating as provided for by the United States environmental protection agency or which have been determined by the commonwealth using environmental protection agency standards to pose a threat or potential threat to ground water;

(ix) the outdoor uncovered storage of manure;

(x) the servicing, washing, or repairing of boats or motor vehicles other than as reasonably incidental to normal residential use;

(xi) the operation of junk and salvage yards;

(xii) the rendering impervious of more than ten percent of any lot or two thousand five hundred square feet, whichever is greater;

(xiii) the excavation of gravel and sand to a depth greater than six feet above the maximum water table, except where incidental to the construction of permitted structures;

(xiv) the altering of bordering vegetated wetlands;

(xv) any other activity which could degrade the quality of the water in the watersheds as determined by the division after consultation with the department of environmental protection; provided, however, that de-icing may be performed on a roadway under procedures approved by the secretary of environmental affairs.

(c) This section shall not apply to uses, structures or facilities lawfully in existence or for which all applicable municipal, state and federal permits and approvals, other than building permits and permits for septic systems, have been obtained prior to July first, nineteen hundred and ninety-two. This section shall not apply to any reconstruction, extension, or structural change to any structure in lawful existence as of said date; provided, however, that such reconstruction, extension, or structural change (i) does not constitute a substantial change to or enlargement of that lawfully existing structure, and (ii) does not degrade the quality of the water in the watershed.

(d) In addition to and without limiting subsection (a) or subsection (b), the construction of a dwelling on land set forth in subsection (b) which exceeds a density of two bedrooms per acre is prohibited. No use may generate more than two hundred and twenty gallons of sanitary sewage per acre per day. In making such calculations all contiguous real property within the area regulated by said subsection (a) or said subsection (b) owned by the same person shall be used in the aggregate to determine the total acreage for density purposes; provided, however, that said area may be so used for determining area density for only one parcel.

(e) In addition to and without limiting subsection (a), (b) or (d), the construction of any dwelling which exceeds a density of one and one-third bedrooms per acre is prohibited within those portions of the watersheds that overlay aquifers with potential well yields of between one hundred and three hundred gallons per minute as determined pursuant to subsection (m) or land whose regulation has been determined to be necessary for the protection of the quality of the water in the surface waters, aquifers, reservoirs and tributaries pursuant to clause (v) of paragraph (1) of subsection (b). No use may generate more than one hundred and forty-seven gallons of sanitary sewage per acre per day.

(f) In addition to and without limiting subsection (a), (b), (d), or (e), the construction of any dwelling which exceeds a density of one bedroom per acre is prohibited within those portions of the watersheds that overlay aquifers with potential well yields of over three hundred gallons per minute as determined pursuant to subsection (m). No use may generate more than one hundred and ten gallons of sanitary sewage per acre per day.

(g) Nothing in subsection (d), (e) or (f) shall be deemed to limit such construction if a sewer system exists prior to July first, nineteen hundred and ninety-two to which a direct connection shall be made without expansion of capacity and said connection is used for all sanitary sewage of any dwelling or other structure resulting from said construction.

(h) Nothing in this section shall prevent the construction of one single family dwelling, on any lot existing as such prior to July first, nineteen hundred and ninety-two within the areas regulated by this section. Nothing in this section shall prevent any owner

occupied lot existing as such on July first, nineteen hundred and ninety-two from being subdivided into one additional lot. Wherever possible there shall be no alterations within the area regulated by subsection (a).

(i) Subsequent to the issuance of regulations as provided for in this section, any person owning an interest in real property located in a community with land that lies within the watersheds, by written request may submit to the division the determination of a land surveyor registered with the board of registration of professional engineers and of land surveyors as to whether such owner's real property interests are located within areas regulated by this section. The division shall have been deemed to have concurred with said determination unless within sixty days from the submission of said determination the division issues a written notice of denial to the owner. The division shall issue regulations pursuant to section one hundred and eight regarding such submissions and any requirements thereto. All surveys and additional materials or studies required to make a determination, whether or not requested by the division, shall be prepared and delivered at the sole cost of the person desiring the determination.

(j) A tributary or portions thereof may be exempted from the provisions of this section, if after taking into account the rate of flow, slope, soil characteristics, proximity to a reservoir or the Ware river above the Ware river intake, the current level of water quality and the current degree of development, the division, in consultation with the department of environmental protection, determines that such exemption poses no significant risk to the quality of the water.

(k) The division, after consultation with the department of environmental protection, shall issue regulations pursuant to section one hundred and eight for appealing the inclusion of a location in the areas regulated by this section. It shall be the responsibility of the appellant to prove that the location was improperly included. If the appeal is decided in the appellant's favor, a court of competent jurisdiction shall award to appellant reasonable attorney fees, costs and expenses incurred in said action.

(l) The division, in accordance with procedures for notice and a hearing as provided by chapter thirty A, may grant upon appeal or petition with respect to particular uses or structures, and shall grant upon request with respect to crossings of tributaries and bordering vegetated wetlands a variance from the provisions of this section where the division specifically finds that owing to circumstances relating to the soil conditions, slope, or topography of the land affected by such uses or structures, desirable relief may be granted without substantial detriment to the public good and without impairing the quality of water in the watersheds. The division shall issue regulations pursuant to section one hundred and eight regarding such proceedings. The division may impose reasonable conditions, safeguards and limitations to any variance as it may find desirable in its sole discretion which, based upon such hearing record, are necessary to protect the water in the watersheds. The division shall issue regulations pursuant to section one hundred and eight regarding such proceedings. The division may impose reasonable conditions, safeguards and limitations to any variance as it may find desirable in its sole discretion which, based upon such hearing record are necessary to protect the water in the watersheds. The division shall record and index in the grantor index in the registry of deeds or register in the registry district of the land court for the county or district where the land lies, a notice of said variance, and conditions thereto, which notice shall describe the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries.

(m) The location of tributaries and surface waters shall be determined by reference to maps generated by the Massachusetts geographic information service based on the most recent edition of the United States Geological Survey one to twenty-five thousand scale quadrangle maps. The location of flood plains shall be determined by reference to the most recent edition of the flood hazard boundary maps issued by the director of the Federal Emergency Management Agency. The location and the potential well yield of aquifers shall be determined by reference to maps generated by the Massachusetts geographic information service based on the United States Geological Survey water resource atlases. The division, in consultation with the department of environmental protection, may adopt more accurate maps pursuant to notice and a public hearing as provided in chapter thirty A and shall file such more accurate maps with the clerks of the house of representatives and the senate ninety days prior to such maps taking effect.

(n) The provisions of this section shall not apply to the division in the performance of its responsibilities and duties to protect the quality of the water in the watersheds, or to the Authority in the performance of its responsibilities and duties to maintain, operate and improve the waterworks system. The provisions of this section shall not apply to activities relating to normal maintenance or improvement of land in agricultural use as defined in section forty of chapter one hundred and thirty-one, or regulations promulgated thereunder; provided, however, that such activities do not impair the quality of the water. Nothing in this section shall be construed to limit conversion of land for agricultural use, or preparation of land for agricultural use; provided, however, that such conversion shall be made under a plan approved by the United States Department of Agriculture Soil Conservation Service and the department in consultation with the department of food and agriculture. The provisions of this section shall not apply to the maintenance, repair, replacement or reconstruction of public roadways existing as of September first, nineteen hundred and eighty-nine or railroad track and rail bed existing as of September first, nineteen hundred and ninety, including associated drainage systems, that are necessary to preserve or restore the facility's serviceability for the number of travel lanes and uses existing as of September first, nineteen hundred and ninety; provided, however, that in the case of any replacement the design is substantially the functional equivalent of, and is of similar alignments to that which is being replaced; provided, further, that design plans and specifications for said work on roadways, or railroad track and rail beds are provided to the division prior to the work's commencement. The provisions of this section shall not apply to the construction of public highways, railroad track and rail beds and facilities directly related to their operation; and provided, further, that the secretary of environmental affairs has determined that such highway or transportation service construction project requires direct access to or location in the lands set forth in this section and that said secretary and the division have determined that said construction does not materially impair the quality of the water in the watershed and does not otherwise materially impair the quality of the environment. The provisions of this section shall not apply to the maintenance, repair or expansion of lawfully located structures or facilities used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services; provided, however, that such maintenance, repair or expansion activities, structures, or facilities do not materially impair the quality of water in the watersheds as determined by the division after consultation with the department of environmental protection. The provisions of this section shall not apply to the maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services in bordering vegetated wetlands; provided, however, that such maintenance and repair activities do not materially impair the quality of water in the watersheds. Nothing herein shall limit the ability of a person, municipality, the United States government or the commonwealth to undertake temporary operations to clean up, prevent or mitigate releases of hazardous materials or wastes. The provisions of this section shall not be construed to limit changes in agricultural crops produced. Nothing in this section shall be

construed to limit the use of new or existing agricultural technologies that do not degrade the quality of the water in the watersheds more than the present agricultural technologies that such new or existing agricultural technologies replace.

(o) Upon written request by the division, the department of environmental protection shall have the authority, including the authority to render administrative penalties under section sixteen of chapter twenty-one A, to enforce the provisions of this section for violations thereof.

(p) The duties and obligations imposed by this chapter shall be in addition to all other duties and obligations imposed by any other general or special law or regulation.

(q) The division shall hold in at least one-half of the communities in the affected watersheds an informational public hearing, giving notice thereof at least thirty days prior thereto by advertisement in newspapers of general circulation in each such community and by written notification to the boards of selectmen, city councils, or town councils, whichever is appropriate, in each such community. The division, at the time of such hearing, shall make available maps showing the areas affected by this section and shall explain the provisions of this section and the impact this section will have on the affected communities and landowners therein.

(r) Nothing in this section shall impede or prevent the construction of a new municipal sewer system or new municipal water system if the division determines that water quality will not be adversely impacted from said construction and provided that such new systems comply with all existing regulations and standards applicable to water pollution abatement projects.

Section 6. The division after consultation with the department of environmental protection, shall make rules and regulations by July first, nineteen hundred and ninety-two and from time to time thereafter for the protection of the watersheds and the watershed system. The regulations shall include provisions that require notice to the department and the division of applications for variances for uses or structures that affect the watersheds. Notice of hearings on the proposed regulations shall be sent to the chief executive officer of all cities and towns within the watersheds and any other cities and towns affected by such regulations. The division shall file copies of the regulations promulgated in accordance with this section with the clerk of the house of representatives and the clerk of the senate and send copies to the chief executive officer of all the cities and towns within the watersheds and any other cities and towns affected by such regulations. The regulations shall not take effect until sixty days have elapsed from the time of said filing. The division shall cause such rules and regulations to be posted at or near the waters to which they respectively apply, and shall also cause the same to be published at least once in a newspaper published in the county where said waters are in whole or in part situated, and such posting and publication shall be sufficient notice to all persons. The sworn certificate of any member of the department or of its secretary of such posting and publication, or of the posting or publication of an order made by the department, shall be prima facie evidence thereof. A copy of any such rule, regulation or order, attested by any member of the department or by its secretary, shall be prima facie evidence that said rule, regulation or order was made by department or by the commissioner, as the case may be.

Section 7. No person shall take or divert any water of the watershed system of the division, and no person shall corrupt, render impure, waste or improperly use any such water.

Section 8. The department, and its employees designated for the purpose, shall enforce sections one hundred and four to one hundred and nine, inclusive, and the rules, regulations and orders made thereunder, and may enter into any building, and upon any land for the purpose of ascertaining whether sources of pollution there exist, and whether said sections and the rules, regulations and orders made as aforesaid are complied with.

Section 9. Any person who without lawful authority takes or diverts any water from any water supply within the watershed system of the division, or who corrupts or defiles any such water supply, or any source of such water supply, or who injures, destroys or interferes with any property held or used by the Authority for the purpose of constructing, operating or maintaining the watershed system, or who violates or refuses to comply with any rule, regulation or order of the department shall be subject to a criminal fine of not more than fifty thousand dollars or imprisonment for not more than one year; provided, however, that in cases of continuing violation, such maximum fine may be ten thousand dollars per day for each day such violation occurs or continues. Notwithstanding any limitation on criminal penalties set forth in the preceding sentence, any person convicted of the wanton or malicious destruction of or injury to any property used in the construction, operation or maintenance of the watershed system shall also be liable in tort to the department for triple the amount of damages thereby caused. Any such fine or tort judgement shall be payable to the treasury of the commonwealth.

Section 10. The supreme judicial or superior court or any justice of either court shall, on petition of the commission or of any town or person interested, have jurisdiction in equity or otherwise to enforce sections one hundred and four to one hundred and eleven, inclusive, and any rule, regulation or order made thereunder, and to prevent any violation of said sections, rules, regulations or orders.

Section 11. The department is hereby authorized and directed to assess the Massachusetts water resources authority for the fiscal year costs of operating the division and other authorized charges, including one hundred per cent of the amounts to be paid in that fiscal year in trust by the authority to the division for application to payments in lieu of taxes pursuant to chapter fifty-nine, less any and all revenues generated by the division which shall include, but not be limited to, the sale of hydroelectricity, recreational or permit fees, revenues from the sale of wood products harvested on department watershed lands, and any access fees established pursuant to chapter four hundred thirty-six of the acts of nineteen hundred and ninety. Said assessment shall be established annually by the commissioner of the department. The commissioner of the department shall certify to the executive director of said authority on or before September fifteenth, the current fiscal year obligations due by the authority for the operations of said division. The commissioner shall bill the treasurer of the authority on October first, January first, April first and June thirtieth of each fiscal year for said fiscal year's obligations. Within thirty days of receipt of the department bill, the treasurer of the authority shall remit the total billed amount to the commission. Revenues received from the June thirtieth billing shall be credited to that fiscal year. The commissioner of the department shall forward to the treasurer of the commonwealth the revenues generated by the division which shall be credited to the General Fund.

Section 12. The treasurer of the commonwealth shall charge the Massachusetts water resources authority for the debt service costs of bonds issued pursuant to section three of chapter five hundred sixty-four of the acts of nineteen hundred and eighty-seven and sections twelve and thirteen of chapter thirty-six of the acts of nineteen hundred and ninety-two for the acquisition of fee simple, development and other rights or interests inland in the areas regulated by the division. The revenue shall be deposited into the Watershed Management Fund for the purposes of meeting said debt service costs, subject to appropriation, for said bonds pursuant to the provisions of section two T of chapter twenty-nine. The comptroller shall transfer to the general fund those payments

received from the Massachusetts Water Resources Authority as reimbursement for debt service payments charged to said general fund.

Section 13. The commissioner is hereby authorized and directed to establish the Quabbin watershed advisory committee. The purpose of the committee shall be to advise the division on its policies and regulations regarding fishing, boating and other recreational activities and environmental, wildlife and habitat matters within the Quabbin watershed. The commissioner of the department shall appoint to said advisory committee one person from three names nominated by each of the following organizations: the Massachusetts Council of Sportsmen, the Trout Unlimited, the Quabbin Fisherman's Association, the Worcester County League of Sportsmen, the North Worcester County Quabbin Anglers, the Massachusetts Audubon Society, the Swift River Valley Historical Society, the Massachusetts Wildlife Federation, the New England Sierra Club, and the Friends of Quabbin, Inc. The commissioner shall also appoint one member from the general public. The committee shall elect a chairperson from among its members, shall meet at least twice each calendar year, and may provide for alternate members to participate fully in its meetings whenever a regular member is unable to do so.

Section 14. The commissioner is hereby authorized and directed to establish a Ware river watershed advisory committee. The purpose of the committee shall be to advise the division on its policies and regulations regarding recreational activities, land use and environmental, wildlife and habitat matters within the Ware river watershed. The commissioner of the department shall appoint to said advisory committee one person from three names nominated by each of the following organizations: the Massachusetts Council of Sportsmen, the Worcester County League of Sportsmen, Trout Unlimited, a rod and gun club located in the town of Barre, Hubbardston, Oakham or Rutland, a designee of the board of selectmen of each of the towns of Barre, Hubbardston, Oakham and Rutland, a representative of the historical societies in each of the towns of Barre, Hubbardston, Oakham and Rutland, a representative of the Massachusetts Wildlife Federation, a representative of the Massachusetts Audubon Society, a representative of the Sierra Club, and a representative of the Upper Ware river watershed association and one member from the general public. The committee shall elect a chairperson from among its members, shall meet at least twice each calendar year and may provide for alternate members to participate fully in its meetings whenever a regular member is unable to do so.

Section 15. The commissioner shall establish a watershed system advisory committee to advise the division on its policies and regulations regarding fishing, boating, and recreational activities and other environmental and wildlife matters in all of the watershed system areas under the control of the division, exclusive of the Quabbin watershed and the Ware river watershed. The committee shall consist of nine members, the qualifications of whom shall be determined by regulation by the commissioner. The committee shall elect a chairperson from among its members, shall meet at least twice each calendar year, and may provide for alternate members to participate fully in its meetings whenever a regular member is unable to do so.

Section 16. The commissioner shall at least once every five years, adopt after public hearing one or more periodic watershed management plans for the watershed system, which shall have been prepared with the participation of a professionally qualified forester and the appropriate watershed advisory committee. Any watershed management plan shall provide for, but need not be limited to, forestry, water yield enhancement and recreational activities. All forestry activities shall be subject to sections forty to forty-six, inclusive, of chapter one hundred and thirty-two of the General Laws.

Section 17. The department, on behalf of the commonwealth, may take by eminent domain under chapter seventy-nine, or acquire by purchase or otherwise, lands in fee, easements, rights and other property that it deems necessary or desirable for carrying out the powers and duties conferred upon it by the provisions of this chapter relative to the construction, maintenance and operation of the watershed system.

Section 18. The division shall be deemed to be a public entity under section twenty-six A of chapter twenty-one and shall be eligible for grants and other assistance under the Massachusetts Clean Water Act and other program of federal or state assistance for water supply, or related purposes.

Section 19. The department shall have over the property of the watershed system all the general power and authority, which it has over reservations so far as the same may be exercised consistently with the purposes for which the watershed system is maintained.

Section 20. The division shall not contract for services exclusive of contracts pursuant to provisions of any general or special act relating to forest cutting practices and for consultants performing only those services for the division which regular employees of the division are unable to perform, to accomplish any of its duties nor shall it enter into any interagency agreement for such purpose. Only officers and employees of the division shall perform its duties.

SECTION 195. Section 14 of chapter 93 of the General Laws, ~~as appearing in the 2000 Official Edition~~ is hereby repealed.

SECTION 196. Section 323F of chapter 94 of the General Laws, ~~as appearing in the 2000 Official Edition~~ is hereby repealed.

SECTION 197. Section 24C of chapter 111 of the General Laws, ~~as appearing in the 2000 Official Edition~~, is hereby repealed.

SECTION 198. Section 24D of said chapter 111, ~~as so appearing~~, is hereby repealed.

SECTION 199. Section 24G of said chapter 111, ~~as so appearing~~, is hereby repealed.

~~SECTION 200. The fifth, sixth and eighth paragraphs of section 72Y of said chapter 111 of the General Laws, as amended by Chapter 184 of the Acts of 2002, are hereby repealed.~~

SECTION 201. Subsection (b) of section 197B of said chapter 111 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the words "labor and workforce development" in each instance in which they appear, and inserting in place thereof, in each instance, the following: "economic affairs".

Section 200A. Said section 72Y of said chapter 111, as amended by said section 71 of said chapter 184, is hereby further amended by striking out the eighth paragraph.

out, in line 25, 28, 49, line 58 and 59, line 59, line 72 and 73, and in line 75

SECTION 202 Chapter 111F of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "DOL" in each instance in which it appears, and inserting in place thereof, in each instance, the following:—DEA.

~~SECTION 202. Chapter 111F of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the phrase "DOL" in each instance in which it appears, and inserting in place thereof, in each instance, the following:—DEA~~

SECTION 203. Section 1 of said chapter 111F, as so appearing, is hereby amended by striking the definition "DOL", and inserting in place thereof the following:—*definition* "DEA" Department of Economic Affairs *the*

SECTION 204. Chapter 112 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 39B the following new section:—

Section 39C. The board may, upon application, made in such manner and form as it shall determine, register an establishment for transacting business as a long-term care pharmacy or home fusionist pharmacy, and issue to such entity as it deems qualified to conduct long-term care pharmacy or home fusionist, a permit to operate. The board may deny such registration and refuse to issue such permit, if, in its reasonable discretion, such entity would be inconsistent with or opposed to the best interests of the public health, welfare or safety, but no such registration shall be made or permit issued in the case of a corporation, as defined in section 30 of Chapter 63 of the General Laws and most recently amended by section 9 of Chapter 300 of the Acts of 2002, unless it shall appear to the satisfaction of the board that the management of such entity is controlled solely by a registered pharmacist. Such permit shall expire on December 31 of each uneven numbered year following the date of its issue, and the fee therefore, shall be determined annually by the commissioner of administration under the provision of section 3B of chapter 7. The board, in consultation with the department of public health shall promulgate regulations pertaining to the operation of long-term care and home fusionist pharmacies in the commonwealth subject to the provisions of section 2 of chapter 30A. Said board shall determine which regulations, applicable to a retail drug business under section 39 shall apply to long-term care or home fusionist pharmacies. The board shall, within 150 days after the filing of an application, render a final decision denying or allowing registration. Failure to render such decision, except when such failure to act is caused by the delay of the applicant, shall constitute an approval of the application and permit shall be issued. For the purposes of this section, the term long-term care pharmacy shall mean a pharmacy which dispenses pharmaceuticals, sterile intravenous drugs and nutritional products ordered by physicians to patients in nursing homes, assisted living facilities, hospice programs and similar institutional sites of care. For the purposes of this section, the term home fusionist pharmacy shall mean a pharmacy which dispenses sterile intravenous drugs ordered by physicians to patients in their homes.

in the 2000 Official Edition
SECTION 205. Section 58 of said chapter 112, as so appearing, is hereby amended by striking out, in lines 43 and 44, the words "division of animal health of the Massachusetts department of food and agriculture" and inserting in place thereof the following:—division of food, agriculture and land preservation of the Massachusetts department of conservation and agriculture

SECTION 206. Section 5 of chapter 115A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended, in line 5, by inserting after the phrase "and hospitalization in," the following:—*see line 5* including an increase in the daily rate to be paid by each long-term care and domiciliary resident in.

SECTION 207. Section 1 of chapter 117A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the first two sentences and inserting in place thereof the following:—*two sentences*

The department of transitional assistance shall administer a program of emergency aid for the elderly, disabled and families who are found to be eligible for such aid in accordance with the regulations of the department and subject to the availability of appropriation. In promulgating, amending, or rescinding its regulations, the department shall take into account the amounts appropriated to it for this program so as not to exceed said amount. The department may provide benefits to persons 65 or older who have applied for benefits under chapter 118A, to persons determined to be disabled under the regulations of the department, to certain persons caring for the disabled, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, and to families who are ineligible for benefits under both chapter 118 and section 210 of chapter 43 of the acts of 1997.

the second paragraph of
SECTION 208. Section 9 of chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following sentence:—The division may charge premiums to eligible persons as a condition of receiving benefits, to the extent permitted by Title XIX.

SECTION 209. Clause (a) of subsection (2) of section 9A of said chapter 118E, as so appearing, is hereby amended by striking the words "and who fall within the definition of traditional beneficiaries, including those individuals who received medical assistance".

out, in line 109,
SECTION 210. Paragraph (f) of subsection 2 of section 9A of said chapter 118E, as so appearing, is hereby amended by striking the figure "200" and inserting in place thereof the following figure:—133.

SECTION 211. Subsection (3) of section 9A of chapter 118E, as so appearing, is hereby amended by striking "(g)" and inserting in place thereof the following:—(i).

SECTION 212. Said chapter 118E of the General Laws, as amended by Section 96 of chapter 184 of the acts of 2002, is hereby further amended by inserting after section 9D the following:—*section 1*

Section 9E. The division may apply for authority from the Secretary of the United States Department of Health and Human Services, pursuant to section 1115 of the Social Security Act that authorizes the Secretary to waive provisions of Title XIX of the Social Security Act, to (1) change to a later date the time currently provided by federal law for starting the penalty periods for persons who transfer assets for less than fair market value; (2) to require excess assets to be spent on health care; (3) to treat annuities similarly to trusts and require the Commonwealth to be a beneficiary to the extent of MassHealth benefits provided; and (4) such other measures as the division may propose to increase the expenditure of an individual's or couple's excess assets on health

care. The division may by regulation implement one or more of such provisions under the terms and conditions approved by the Secretary.

10D **SECTION 213.** Said chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, after section 10C, the following new section:—

10E **Section 10B.** The division shall establish a program of medical care and assistance for pregnant women and infants who are not otherwise eligible for medical assistance under chapter one hundred and eighteen E and who lack private health insurance coverage or have health insurance coverage which does not cover all medically necessary care covered by the program established by this section. The division shall furnish such medical assistance to each such pregnant woman and infant residing in the commonwealth in accordance with standards of eligibility established by the division; provided, however, that the income eligibility standards shall not be more than two hundred per cent of the non-farm income poverty guidelines defined by the United States Office of Management and Budget.

Assistance furnished pursuant to this section shall be limited to the following care and services; provided, however, that unless otherwise specified to the contrary no payment shall be allowed for inpatient hospitalization:

(i) all medically necessary care to maintain health during the course of the pregnancy and delivery, including newborn hospital care;

(ii) all medically necessary postpartum obstetric and gynecological care;

(iii) newborn care, including one postpartum pediatric ambulatory visit; and

(iv) outreach services designed to identify and encourage the participation of pregnant women and infants in this program.

The division shall ensure that all women who appear to be eligible for medical assistance under said chapter one hundred and eighteen E are assisted in enrolling for such coverage.

The division shall promulgate and, from time to time, amend regulations detailing eligibility criteria, services to be covered in conformity with appropriate standards of care, and reimbursement policies.

Notwithstanding the provisions of section three of chapter six B or any other law to the contrary, no acute hospital shall deny access to care and services to recipients of the healthy start program established by this section; provided, however, that such recipients shall be exempt from any collection action, preadmission deposit or any other form of billing or collection procedures arising from treatment by an acute care hospital provided under the healthy start program; and provided further, that a healthy start card shall constitute sole verification of application and eligibility for free care for inpatient hospital services. The program established herein shall be known as the healthy start program.

SECTION 214. Said chapter 118E, as so appearing, is hereby amended by inserting, after section 10D, the following new section:—

10F **Section 10E.** There is hereby established a program of managed care to provide primary and preventive health care services for uninsured dependent and adopted youths from birth through age eighteen; provided, however, that only said youths who are ineligible for medical benefits pursuant to chapter 118E of the General Laws shall be eligible for the services defined herein. Said program shall be administered by the division subject to appropriation from the Children's and Seniors' Health Care Assistance Fund established pursuant to the provisions of section 2FF of chapter 29 and other appropriated funds. The comptroller is hereby authorized and directed to transfer amounts appropriated from the General Fund or any other fiscal resource of the commonwealth designated for health care services provided to said youths from birth to age 12, inclusive, to said Children's and Seniors' Health Care Assistance Fund. Services available from the program shall include the following:—

(1) preventive pediatric care in a participating doctor's office, community health center, health maintenance organization or school-based clinic, including not less than one well-child visit a year, immunizations, tuberculin testing, hematocrit, hemoglobin and other appropriate blood testing, urinalysis, and routine tests to screen for lead poisoning, and such services as are periodically recommended by the American Academy of Pediatrics; provided that services provided by a participating independent laboratory for diagnostic laboratory tests shall be reimbursed by said program;

(2) unlimited sick visits in a participating doctor's office, community health center, health maintenance organization, school-based clinic or a patient's home;

(3) first-aid treatment and follow up care, including the changing or removal of casts, burn dressings or structures, in a participating doctor's office, community health center, health maintenance organization or school-based clinic;

(4) the provision of smoking prevention educational information and materials to the parent, guardian or person with whom an enrollee resides.

Services made optionally available under said program may include the following:

(1) prescription drugs up to \$200 per year; provided, however, that enrollees shall be responsible for a copayment of \$3 for each interchangeable drug prescription and \$4 for each brand name drug prescription; provided, further, that the division may authorize a higher prescription benefit level for any person enrolled in said program for which said higher benefit will prevent hospitalization.

(2) urgent care visits in the outpatient department of a participating hospital when an enrollee's primary care practitioner is not available to provide such services, and emergency care in the outpatient department or emergency department of a participating hospital of up to one thousand dollars per year, including related laboratory and diagnostic radiology services for said urgent and emergency care, provided that rates of reimbursement for such urgent care and emergency services are negotiated by participating hospitals with the department or its designated vendor;

(3) outpatient surgery and anesthesia which is medically necessary for the treatment of inguinal hernia and ear tubes, but not including the professional component for related radiology or pathology services; provided that rates of reimbursement for such urgent care and emergency services are negotiated by participating hospitals with the division or its designated vendor;

(4) annual and medically necessary eye examinations;

(5) medically necessary outpatient mental health services not to exceed 13 visits per year; provided, however, an additional seven outpatient visits may be approved by the division when clinically necessary according to program guidelines; provided further, that no such mental health services shall be provided by the division that would substitute for mental health services required pursuant to chapter 71B;

the division shall limit enrollment rather than reducing benefits. Should costs of said program exceed the appropriated funds,

(6) dental health services, including preventive dental care; provided, however, that no funds shall be expended for cosmetic or surgical dentistry; 40

(7) durable medical equipment up to \$200 per year; provided, however, the division may authorize up to \$500 per year to prevent unnecessary hospitalization for children with chronic medical conditions, so-called, when clinically necessary according to program guidelines; and

(8) auditory screening.

The division shall establish cost-containment measures designed to ensure that only medically necessary services are reimbursed by said program. ~~The schedule, scope, maximum dollar coverage and duration of the optional benefits established by this section may be revised by the division to ensure that the costs of said program are limited to the funds appropriated therefore.~~ 48

The cost of said program shall be funded in part by premiums contributed by enrollees according to the following eligibility categories: households ineligible for medical benefits pursuant to chapter 118E earning less than one hundred fifty percent of the federal poverty level shall not be responsible for contributing to program premium costs; households earning between one hundred fifty and two hundred percent of the federal poverty level, inclusive, shall contribute not less than twenty percent and not more than thirty percent of the monthly premium cost according to a sliding scale established by the division; provided, that additional contributions shall not be required for any enrollee after the third enrollee in such a household; households earning between two hundred and four hundred percent of the federal poverty level shall pay a monthly premium of \$45.32, provided that premium amounts in this category may be adjusted from time to time by the division; provided, that enrollees in households earning more than four hundred percent of the federal poverty level shall pay the full premium cost of said program. Household earnings may be defined on the basis of gross earnings, or on an adjusted basis according to criteria deemed appropriate by the division. The department shall base premium costs on an actuarially sound methodology.

Notwithstanding the premium contribution requirements established by this section, no enrollee shall be exempt from the co-payment requirements established herein or by the division. Said co-payments shall be designed to encourage the cost-effective and cost conscious use of said services.

The division shall promulgate regulations necessary to implement the requirements of this section and shall maximize federal financial participation for state expenditures made on behalf of program enrollees.

The division shall report quarterly to the house and senate committees on ways and means and to the joint committee on health care on enrollment demographics, claims expenditures and the annualized costs of said program. The division shall file notice with said committees and the secretary of the executive office of administration not less than thirty days before modifying program benefits and eligibility standards that are intended to ensure that program costs are limited to the funds appropriated therefore.

The program established by this section shall not give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein and nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

as appearing in the 2000 Official Edition,
SECTION 215. Section 16 of said chapter 118E, as so appearing, is hereby amended by adding at the end thereof the following paragraph:—

There is hereby established, subject to the approval of a federal waiver from the Secretary of Health and Human Services, a managed care pilot program for disabled persons enrolled in the MassHealth program and eligible under this section. Said program shall be operated by a single managed care organization and shall be contracted by an open bidding process and reimbursed by the division at a predetermined capitated rate for each such enrolled MassHealth member which shall not exceed an amount determined each year by the General Court. The rate shall be set in accordance with cost control factors utilized by the managed care plan and the division shall promulgate regulations to carry out the intent of this provision. The plan shall require enrollees to choose a primary care physician, so called, in a community-based setting such as a community health center. In extreme cases when persons have access barriers due to a lack of services available in a particular geographic region, the division may grant an exception to the preceding requirement. As part of said pilot program waiver, the division shall mandate that providers contracting with this program shall accept Medicaid reimbursement rates for services to this population, including, but not limited to, hospital outpatient rates. In correlation with said pilot project, the division shall pursue discounts pursuant to 340B federal rules, so called, and shall cooperate with the Massachusetts League of Community Health Centers to carry out this requirement. No person fitting the MassHealth definition of disabled and not receiving SSI benefits due to level of income shall be enrolled in a managed care plan or fee-for-service plan which has an annual cost greater than said pilot project.

217
SECTION 216. Section 16D of said chapter 118E, as so appearing, is hereby *further* amended by *adding* inserting at the end thereof the following *new* subsection:—

(3) Benefits for aliens under this section shall not be provided to persons age 19 or older.

216
SECTION 217. Subsection (2) of section 16D of said chapter 118E, as so appearing, is hereby *further* amended by striking out the words "which shall not be less than the same benefits provided on July 1, 1997 to the eligibility group described in clause (g) of subsection (2) of section 9A."

218
SECTION 218. Section 21A of chapter 118E, as so appearing, is hereby amended by striking *out* subsection (c) and inserting in place thereof the following *substitution*:—

(c) In making determinations under this section, the division shall revise the community spouse resource allowance as permitted or required by federal law. Either spouse shall have the right to request a fair hearing at which, if it is shown that the income of the community spouse is less than the minimum monthly maintenance needs allowance of the community spouse, the referee shall revise the community spouse resource allowance, using methods permitted or required by federal law, to a level sufficient to generate the shortfall in income. The division shall calculate interest income on the investment of the community spouse resource allowance using the rates reported in the Bank Rate Monitor Index on the date of the hearing.

the last paragraph of
SECTION 219. Section 22 of chapter 118E of the General Laws, as most recently amended by section 25 of chapter 177 of the acts of 2004, is hereby amended by *adding* inserting at the end thereof the following:— Notwithstanding the provisions of any

INSERT ON
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SECTION 224. Section 31 of said chapter 118E, as so appearing, is hereby amended by striking subsection (c) and inserting in place thereof the following two subsections:

(c) This subsection shall apply to the estates of individuals dying prior to July 1, 2003. For purposes of this section, "estate" shall mean all real and personal property and other assets includable in the decedent's probate estate under the General Laws.

(c^{1/2}) This subsection shall apply to the estates of individuals dying on or after July 1, 2003. For purposes of this section, "estate" shall mean any interest in real and personal property and other assets in which the individual immediately prior to death had any legal title or interest, to the extent of such interest. This includes interests in real and personal property and other assets that would pass to a survivor, heir, or assignee of the decedent through joint tenancy, tenancy by the entirety, life estate, living trust, right of survivorship, beneficiary designation, or other arrangement

general or special law or rule or regulation to the contrary, all insurers doing business in the commonwealth, shall provide information requested by the department of transitional assistance and the division of medical assistance for use by said agencies for any purpose related to the administration of their programs, including the recovery of public assistance benefits under this section and section 5G of chapter 18.

SECTION 220. ^{said} Section 23 of chapter 118E of the General Laws, as amended by section 26 of chapter 117 of the acts of 2001; is hereby further amended by inserting at the end of the sixth paragraph the following sentence:— All public and private entities who employ individuals in the commonwealth shall provide, when requested by any employee applying for or receiving benefits provided by the division, written information to the employee describing the availability of health insurance, if any, provided by or through the employer.

SECTION 221. ^{third sentence of the} Section 25 of chapter 118E of the General Laws, as amended by section 98 of chapter 184 of the acts of 2002, is hereby further amended in the last sentence by striking "of \$1 for all" and inserting in place thereof the following:— "for any."

SECTION 222. ^{but the words} Said section 25 of said chapter 118E, as so amended, is hereby further amended by inserting at the end thereof the following paragraph:— "Nothing in this chapter precludes the division from using asset standards in determining the financial eligibility for any benefit."

SECTION 223. ^{so appearing} Said section 25 of said chapter 118E, as so amended, is hereby further amended by striking "\$2" in the fourth paragraph and inserting in place thereof the following:— up to \$3.

SECTION 224. ^{so appearing} Subsection (c) of section 94 of said chapter 118E, as so appearing, is hereby amended by inserting at the end thereof the following sentence:— "Estate" shall also include any other real and personal property and other assets in which the individual immediately prior to death had any legal title or interest, to the extent of such interest. This includes real and personal property and other assets that would pass to a survivor, heir, or assignee of the decedent through joint tenancy, tenancy by the entirety, joint tenancy, living trust, right of survivorship, beneficiary designation, or other arrangement.

SECTION 225. Said chapter 118E, as so appearing, is hereby further amended by striking section 32 and inserting in place thereof the following section:—

Section 32. (a) Notwithstanding the provisions of any general or special law to the contrary, a petition for admission to probate of a decedent's will or for administration of a decedent's estate shall include a sworn statement that copies of said petition and death certificate have been sent to the division by certified mail. Within 30 days of a request by the division, or upon their own initiative, an executor or administrator of the probate estate, or the family, guardian, conservator, or heirs of a decedent shall complete and send to the division by certified mail on a form prescribed by the division information about all real and personal property and other assets in which the decedent immediately prior to death held any legal title or interest, including the identity and addresses of all persons and entities to whom legal title or interest passed, and shall provide such further information as the division may require.

In the event a petitioner fails to send copies of the petition and death certificate to the division, or the executor or administrator or the family, guardian, conservator, or heirs of a decedent fail to complete and send the form prescribed by the division, and the decedent received medical assistance for which the division is authorized to recover under section 31, any person receiving a distribution of assets from the decedent's estate or any person or entity to whom the decedent's legal title or interest passed, shall be liable to the division to the extent of such distribution. Further, in the case of real and personal property and other assets not includable in the decedent's probate estate under the General Laws, if the form received by the division fails to disclose the existence of any assets or property in which the decedent immediately prior to death held any legal interest or title, and the identity and address of the person or entity to whom legal title or interest passed, said form shall not be considered a completed form and the time period for the division to present its claim against said assets and property shall not begin to run under clause (2) of subsection (b) until such information is received by the division.

(b) The division may present claims after an individual's death as follows:

(1) With respect to claims against all real and personal property and other assets includable in the decedent's probate estate under General Laws, the division may:

(i) within four months after approval of the official bond of the executor or administrator, file a written statement of the amount claimed with the registry of probate where the petition was filed and deliver or mail a copy thereof to the executor or administrator. The claim shall be deemed presented upon the filing of the claim in the registry of probate; or

(ii) within one year after date of death of the decedent, commence an action under the provisions of section 9 of chapter 197.

(2) With respect to claims filed against any real and personal property and other assets not includable in the decedent's probate estate under the General Laws, but in which the decedent immediately prior to death had any legal title or interest, the division may within one year of date of death, or within four months of receipt of the completed form prescribed under (a), whichever is later, deliver or mail a written statement of the amount claimed to the last known address of the person or entity to whom the decedent's legal title or interest passed, and in the case of real property, file written notice of the claim with the registry of deeds where the property lies. The claim shall be deemed presented upon the delivery or mailing of the written statement to the last known address of the person or entity to whom the decedent's legal title or interest passed, or in the case of real property, the date notice is filed with the registry of deeds. [Notice filed with the registry of deeds shall include the name and social security number of the decedent, the amount of the claim, and the book and page number of the instrument of title.] In the case of annuities and life insurance policies held on the life of a decedent age 55 or older, the company or institution holding the asset shall prior to making payment to a survivor, designated beneficiary or other person or entity notify the division to determine whether the decedent had received medical assistance subject to recovery under section 31. The notice shall include the name, address, date of birth, and social security number of the decedent, the name and address of the survivor, designated beneficiary, or other person or entity seeking payment, and such other information appearing in the company's or institution's files as the division may require. The division shall respond to such notice within 10 days of receipt. If the division had provided assistance subject to recovery under

Notice filed with the registry of deeds shall include the name and social security number of the decedent, the amount of the claim, the name of the then current record owner or owners, and the book and page number or certificate number of the instrument of title. No lien under this section shall be valid against any bona fide purchaser for value taking title prior to the date said notice referring to the affected real property has been recorded in the county or registry district where the real property is located, or against any successor to such purchaser, nor shall it affect the interest of any person for whom a mortgage or other lien has been recorded prior thereto, or of any successor to said person.

section 31, the division's response shall operate as a lien to secure repayment of its claim. If the company or institution disburses funds prior to 14 days after sending notice to the division, or at anytime while the division has a lien against such funds, the company or institution shall be liable to the division to the extent of the value of the asset or the amount of the division's claim, whichever is less. If the individual or entity to whom the decedent's legal title or interest passed transfers or sells said property or asset prior to the division presenting its claim, that individual or entity shall be held personally liable to the division to the extent of the value of the decedent's legal title or interest, and in the case of real property, no written notice of the claim need be filed with the registry of deeds.

(c) When presenting its claim by written statement under subsection (b), the division shall also notify the executor or administrator, or the person or entity to whom legal title or interest passed, if the property or asset is not includable in the probate estate of (1) the circumstances and conditions which must exist for the division to be required to defer recovery under section 31 and (2) the circumstances and conditions which must exist for the division to waive recovery under its regulations for undue hardship.

(d) The executor or administrator, or if the property or asset is not includable in the probate estate, the person or entity to whom the notice was sent, shall have 60 days from the date of presentment to mail notice to the division by certified mail of one or more of the following findings: (1) the claim is disallowed in whole or in part, or (2) circumstances and conditions where the division is required to defer recovery under section 31 exist, or (3) circumstances and conditions where the division will waive recovery for undue hardship under its regulations exist. A notice under clause (2) or (3) shall state the specific circumstances and conditions which exist and provide supporting documentation satisfactory to the division. Failure to mail notice under clause (1) shall be deemed an allowance of the claim. Failure to mail notice under clause (2) shall be deemed an admission that the circumstances or conditions where the division is required to defer recovery under section 31 do not exist. Failure to mail notice under clause (3) shall be deemed an admission that the circumstances and conditions for the division to waive recovery for undue hardship under its regulations do not exist.

(e) If the division at any time within the period for presenting claims under subsection (b) amends the amount due, the executor or administrator, or if the property or asset is not includable in the probate estate, the person or entity to whom notice was sent, shall have an additional 60 days to mail notice to the division under clause (1) of subsection (d).

(f) If the division receives a disallowance under clause (1) of subsection (d), the division may commence an action to enforce its claim in a court of competent jurisdiction within 60 days after receipt of said notice of disallowance. If the division receives a notice under clause (2) or (3) of said subsection (d), with which it disagrees, the division may commence an action in a court of competent jurisdiction within 60 days after receipt of said notice. If the division fails to commence an action after receiving a notice under clause (2) of said subsection (d), the division shall defer recovery while the circumstances or conditions specified in said notice continue to exist. If the division fails to commence an action after receiving a notice under clause (3) of said subsection (d), the division shall waive recovery while the circumstances and conditions for undue hardship continue to exist or as provided for under its regulations.

(g) Unless otherwise provided in any judgment entered, claims allowed pursuant to this section shall bear interest at the rate provided under section 6B of chapter 231 commencing as follows:

(1) In the case of a claim against the probate estate, four months plus 60 days after approval of the official bond of the executor or administrator.

(2) In the case of a claim against property or assets not includable in the probate estate, 60 days after (i) the written statement was mailed to the person or entity to whom the decedent's legal title or interest passed, or (ii) in the case of real property, the date notice is filed with the registry of deeds, whichever is later.

Notwithstanding the foregoing, if the division fails to commence an action after receipt of a notice under clause (2) or (3) of subsection (d), interest at the rate provided under section 6B of chapter 231 shall not commence until the circumstances or conditions specified in the notice received by the division cease to exist. The executor or administrator, or if the property or asset is not includable in the probate estate, the person or entity to whom legal title or interest passed, shall notify the division within 30 calendar days of any change in the circumstances or conditions asserted in said clause (2) or (3) notice, and upon request by the division, shall provide updated documentation verifying that the circumstances or conditions continue to exist.

If the division's claim has been allowed as provided herein and no circumstances and conditions requiring that the division defer recovery under section 31 exist, it may petition the probate court for an order directing the executor or administrator to pay the claim to the extent that funds are available or for such further relief as may be required. Where the claim is against property or assets not includable in the probate estate, the division may commence such action against the person or entity to whom legal title or interest passed.

(h) Notice of a petition by an executor or administrator for a license to sell real estate shall be given to the division in any estate where:

(1) the division has filed a written statement of claim with the registry of probate as provided in subsection (b); or
(2) the division has filed with the registry of probate a notice, as prescribed under subsection (a) of section 9 of chapter 197, that an action has been commenced.

(i) In all cases where:
(1) the division determines it may have a claim against a decedent's estate;
(2) a petition for administration of the decedent's estate or for admission to probate of the decedent's will has not been filed; and

(3) more than one year has passed from the decedent's date of death, the division is hereby authorized to designate a public administrator to be appointed and to serve pursuant to chapter 194. Said designation by the division shall include a statement of the amount claimed. This provision shall apply to all estates in which no petition for administration of the decedent's estate or for admission to probate of the decedent's will has been filed as of the effective date of this section, regardless of the decedent's date of death.

(j) If the executor or administrator, or the person or entity to whom legal title or interest passed, wishes to sell or transfer any real property against which the division has filed a lien or claim not yet enforceable because circumstances or conditions specified in section 31 continue to exist, the division shall release the lien or claim if the executor or administrator, or the person or entity to whom legal title or interest passed, agrees to (1) either set aside sufficient assets to satisfy the lien or claim, or to give bond to the division with sufficient surety or sureties and (2) repay the division as soon as the circumstances or conditions which resulted

in the lien or claim not yet being enforceable no longer exist. Notwithstanding the foregoing provision or any general or special law to the contrary, the division and the parties to the sale may by agreement enter into an alternative resolution of the division's lien or claim.

(k) If there are probate assets includable in the decedent's probate estate under the General Laws, as well as other real and personal property and assets, not includable in the decedent's probate estate, the division's claim to the extent possible shall be satisfied from the probate estate. Notwithstanding the foregoing, the division's right to recover against the decedent's interest in property or assets not includable in the probate estate shall not be delayed. To the extent recovery is later received from the probate estate, any excess amount recovered shall be distributed on a pro rata basis to any individuals or entities to whom the decedent's legal title or interest title passed outside the probate estate and from whom the division has already recovered.

SECTION 226. Section 51 of said chapter 118E, as so appearing, is hereby amended in the third paragraph by striking the words "utilization review" and inserting in place thereof the following: ^{utilization-related activities} utilization-related activities.

SECTION 227. Section 1 of chapter 118G of the General Laws, amended by chapter 47 of the acts of 1997, is hereby further amended by inserting after the definition of "comprehensive cancer center" the following new definition:—

"Critical access services", those medically necessary health care services which are generally provided only by acute hospitals, as further defined in regulations promulgated by the division.

SECTION 228. Said section 1 of said chapter 118G, as so appearing, is hereby further amended by inserting after the definition of "eligible person" the following new definitions:—

"Emergency bad debt", bad debt related to emergency services provided by an acute hospital to an uninsured individual.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of the person or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

"Emergency services", medically necessary health care services provided to an individual with an emergency medical condition.

SECTION 229. Said section 1 of said chapter 118G, as so appearing, is hereby further amended by striking out the definition of "free care" and inserting in place thereof the following definition:—

"Free care", the following medically necessary services provided to individuals determined to be financially unable to pay for their care, in whole or in part, pursuant to applicable regulations of the division: (1) emergency, urgent, and critical access services provided by acute hospitals; (2) services provided by community health centers; and (3) patients in situations of medical hardship in which major expenditures for health care have depleted or can reasonably be expected to deplete the financial resources of the individual to the extent that medical services cannot be paid, as determined by regulations of the division

SECTION 230. Section 1 of chapter 118G of the General Laws, as so appearing in the 2000 Official Edition, is hereby amended by striking the definition of "private sector charges" and inserting in place thereof the following definition:

"Private sector charges", gross patient service revenue attributable to all patients less gross patient service revenue attributable to Titles XVIII and XIX, other publicly aided patients, free care and bad debt. For the purposes of determining a hospital's liability to the Uncompensated Care Trust Fund under this Chapter, regardless of actual Title XVIII gross patient service revenue, Title XVIII gross patient service revenue will be attributed to any free standing pediatric hospital before determining private sector charges. Such attributed revenue will equal the average Title XVIII gross patient service revenue as a percent of total gross patient service revenue for all hospitals in the state excluding free standing pediatric hospitals. This average percent is to be applied against a free standing pediatric hospital's total gross patient service revenue to determine the attributed Title XVIII gross patient service revenue at such hospital before determining private sector charges.

SECTION 231. Section 7 of chapter 118G of the General Laws, as amended by sections 99 and 100 of chapter 184 of the acts of 2002, is hereby amended by striking the twelfth paragraph.

~~SECTION 232. The tenth and eleventh paragraphs of section 7 of chapter 118G of the General Laws, as amended by Chapter 184 of the Acts of 2002, are hereby repealed.~~

SECTION 233. Section 18 of chapter 118G of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the third sentence of paragraph (a) and inserting in place thereof the following sentence:—

The purpose of said fund is to reimburse hospitals and community health centers for care provided to low-income, uninsured and underinsured residents of the commonwealth, ^{subject to available funding} subject to available funding.

SECTION 234. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out paragraph (h) and inserting in place thereof the following sentence:—

(h) Said pool's liability to acute hospitals and community health centers shall be calculated by the division on a claim by claim basis. Free care and emergency bad debt claims submitted by hospitals and community health centers shall be adjudicated in the same manner as claims for services under the Medicare program. Adjudicated claims deemed to be eligible for payment shall be paid at the 95 per cent of rates applicable to the Medicare program. In the event that available funding is insufficient to pay all claims eligible for payment, the pool's liability to acute hospitals may be reduced pursuant to paragraph (n).

~~SECTION 235. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out the third sentence of paragraph (i) and inserting in place thereof the following sentence:—~~

including an adjustment for disproportionate share outpatient medicare rates. Claims against the uncompensated care pool shall be paid until such time as a denial of eligibility is determined and at which time, said pool shall be reimbursed for the full cost of the denied claim.

~~Said regulations shall provide that no claim for free care may be paid by the pool until the division of medical assistance determines that the applicant is not eligible for medical assistance pursuant to chapter 110E and that no third party is financially responsible for the costs of care provided to the applicant.~~

subsection (i) of said
SECTION 236. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out the fifth sentence of paragraph (i) and inserting the place thereof the following *sentence*:
The division shall implement a utilization review program designed to monitor the appropriateness of services paid for by said pool and to promote the delivery of care in the most appropriate setting; provided, further, that the division may deny payment from the pool for services which it determines are not medically necessary.

subsection (j) of said
SECTION 237. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out the fourth, fifth, sixth and seventh sentences of paragraph (j).

subsection (k) of *two*
SECTION 238. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out the first sentence of paragraph (k) and inserting in place thereof the following *sentences*:
The division, in conjunction with the division of medical assistance, shall promulgate regulations to develop and implement procedures to verify the eligibility of individuals for free care and to ensure that other coverage options are utilized fully before free care is granted. Said regulations shall require that the division of medical assistance review all applications for free care to determine whether the applicant is eligible for medical assistance pursuant to chapter 118E and whether any third party is financially responsible for the costs of care provided to the applicant.

subsection (l) of
SECTION 239. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out the first sentence of section (l) and inserting in place thereof the following *sentence*:
The division shall enter into interagency agreements with the department of revenue to verify income data for recipients of free care and to recover payments made by the pool on behalf of individuals who are ineligible for free care or on whose behalf the pool has paid for emergency bad debt.

subsection (l) of said
SECTION 240. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by inserting the following *adding the* at the end of paragraph (l): *paragraph*:
The division shall promulgate regulations requiring acute hospitals to submit data that will enable the department of revenue to pursue recoveries from individuals who are ineligible for free care payments and on whose behalf the pool has made payments to acute hospitals for emergency bad debt.

subsection
SECTION 241. Said section 18 of said chapter 118G, as so appearing, is hereby further amended by striking out paragraph (m) and inserting in place thereof the following *subsection*:
(m) The division shall deposit any amounts received pursuant to chapter 62D in the Uncompensated Care Trust Fund to reimburse the uncompensated care pool for expenditures made for persons who received free care through said pool or on whose behalf the pool paid emergency bad debt and who, upon review, were determined to be ineligible for free care based upon applicable income standards.

subsection
SECTION 242. Section 18A of chapter 118G of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking *clause* (a) and replacing it with the following *paragraph*: *clause* *subsection*
(a) Acute hospitals and ambulatory surgical centers shall assess a surcharge on all payments subject to surcharge as defined in section 1. The surcharge shall be distinct from any other amount paid by a surcharge payor for the services of an acute hospital or ambulatory surgical center. The surcharge amount shall equal the product of (i) the surcharge percentage and (ii) amounts paid for said services by a surcharge payor. The division shall calculate the surcharge percentage by dividing \$157,500,000 by the projected annual aggregate payments subject to surcharge. The division shall determine the surcharge percentage before the effective date of this section and may redetermine the surcharge percentage before the following April 1 if the division projects that the initial surcharge established the previous October will produce less than \$147,500,000 or more than \$167,500,000. Before each succeeding October 1, the division shall redetermine the surcharge percentage incorporating any adjustments from prior years. In each determination or redetermination of the surcharge percentage, the division shall use the best data available as determined by the division and may consider the effect on projected surcharge payments of any modified or waived enforcement under subsection (e). The division shall incorporate all adjustments, including, but not limited to, updates or corrections or final settlement amounts by prospective adjustment rather than by retrospective payments or assessments.

added by section 101 of chapter 154 of the act
SECTION 243. Section 25 of said chapter 118G, as so appearing, is hereby amended by striking subsection (b) and inserting in place thereof the following *subsection*:

(b) Each nursing home shall pay an assessment per non-Medicare reimbursed patient day. The assessment shall be sufficient in the aggregate to generate \$145,000,000 in each fiscal year. The assessment shall be implemented as a broad-based health care-related fee as defined in 42 U.S.C. § 1396b(w)(3)(B). The assessment shall be paid to the division quarterly 45 days in arrears provided that the amounts due for any quarter prior to the enactment date of this section shall be due and payable 45 days after the enactment date of this section provided that the nursing home has been paid for any such quarter at rates containing all the rate enhancements set forth by the General Court. The division may promulgate regulations that authorize the assessment of interest on any unpaid liability at a rate not to exceed an annual percentage rate of 10 per cent and late fees at a rate not to exceed 2 per cent per month. The division shall not impose any penalty for unpaid liabilities and late payment in situations where the division of medical assistance has not first paid the enhanced quarterly Medicaid rates enabled by this section and approved by the General Court. In establishing regulations, the division shall not impose any penalty on unpaid liabilities and late payments on a nursing home due to circumstances beyond the nursing home's control or for another good cause including, but not limited to, financial hardship.

SECTION 244. Subsection (c) of said section 25 of chapter 118G of the General Laws, as amended by chapter 184 of the acts of 2002, is hereby amended by inserting at the end thereof the following sentence:— The division may require additional reports, including but not limited to monthly census data, as it deems necessary to monitor collections and compliance.

SECTION 245. Section 25 of chapter 118G of the General Laws, as so inserted, is hereby amended by striking subsection (f) and inserting in place thereof the following section:—

(f) The commissioner may enforce the provisions of this section by notifying the department of public health of unpaid assessments. Within 45 days after notice to a nursing home of amounts due, the department may revoke licensure of a nursing home except in the case of a home whose failure to remit delinquent fees has been determined by the division to be due to circumstances beyond the nursing home's control or for other good cause including, but not limited to, financial hardship.

SECTION 246. Subsection (b) of section 26 of chapter 118G of the General Laws, as so inserted, is hereby further amended by striking the figure "18" and inserting in place thereof the following:— 10.

SECTION 247. Subsection (b) of section 26 of said chapter 118G, as so amended, is hereby further amended by striking out the figure "5" and inserting in place thereof the following:— 2.

SECTION 248. Subsection (c) of said section 26 of said chapter 118G, as so inserted, is hereby amended by inserting at the end thereof the following sentence:— The division may require additional reports as it deems necessary to monitor collections and compliance.

SECTION 249. Subsection (d) of said section 26 of said chapter 118G, as so inserted, is hereby amended in the third sentence by striking the words "nursing home" and inserting in place thereof the following:— pharmacy.

SECTION 250. Section 29A of chapter 119 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the section and inserting in place thereof the following section:—

Section 29A. The parents of an unemancipated minor shall be liable for such reasonable legal fees and expenses of an attorney representing said minor in criminal proceedings. Except for cases where the parent is the alleged victim, the court shall determine whether the parent or guardian of an unemancipated minor is indigent. If the parent or guardian is not determined to be indigent, the court shall assess a \$300 fee against the parent or guardian to pay for the cost of any attorney that is supplied by the committee for public counsel services or assigned to represent such minor by the court and paid out of public funds in such criminal proceedings. If the parent is determined to be indigent but is still able to contribute toward the payment of some of said costs, the court shall order the parent to pay a reasonable amount toward the cost of appointed counsel. This section shall not apply to a parent who, as a result of a decree of a court of competent jurisdiction, does not have custody of such minor.

SECTION 251. Section 39F of chapter 119 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the second sentence and inserting in place thereof the following sentences:— The court shall determine whether the parent or guardian of any such child alleged to be in need of services is indigent. If the court determines that the parent or guardian is not indigent, the court shall assess a \$300 fee against the parent or guardian to pay for the cost of appointed counsel. If the parent is determined to be indigent but is still able to contribute toward the payment of some of said costs, the court shall order the parent to pay a reasonable amount toward the cost of appointed counsel.

SECTION 252. Subsection (c) of section 2 of chapter 119A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking said subsection and inserting in place thereof the following:—

(c) In carrying out said responsibilities, the IV-D agency may expend such funds as may be necessary for public information, including paid advertisements and outreach programs to advise the public of the services available through such agency to establish, modify, or enforce orders of child support, and to publicize the availability and to encourage the use of procedures for voluntary acknowledgment of paternity and of other IV-D services. Any penalty, fee or interest that this chapter authorizes to be assessed by the IV-D agency shall be collected and enforced by any means authorized under this chapter for the enforcement and collection of child support. Upon collection, a penalty or fee shall be retained by the IV-D agency; provided, however, that such penalties or fees may only be expended subject to appropriation. Upon collection, interest shall be distributed to the obligee.

SECTION 253. Section 7 of chapter 121B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:— Members of a housing authority shall be reimbursed for all expenses properly incurred by them within or without the city or town in the discharge of their duties. Such expenses shall be allocated by the housing authority among its various projects in such manner and amount as it deems proper.

SECTION 254. The first paragraph of section 32 of said chapter 121B, as so appearing, is hereby amended by striking the third sentence and inserting in place thereof the following sentences:—

To this end, an authority shall fix the rents for dwelling units in its projects in accordance with regulations issued by the department, so that no tenant shall be required to pay a rental of less than 32 percent of his income if heat, cooking fuel and electricity are provided by the authority, 30 percent of his income if one or more utility is provided, or 27 percent of his income if such utilities are not provided; provided however, that in calculating the amount of such rental, an authority may round the amount of such rental payment to the nearest whole dollar. In no instance shall a tenant household pay a rental fee of less than \$50 per month, per bedroom. Notwithstanding the provisions of section 49 of chapter 271, the authority may impose a late penalty of \$25 for failure to pay rent due. Pursuant to regulations drafted by the department, a percentage of a household's rental payment attributable to net household income in excess of \$5,000, shall be placed in an escrow account for the purpose of allowing families to transition out of assisted housing or relative to a program of services or capital improvements for the improvement of quality of life of residents of

housing for the elderly/handicapped; provided however, that rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62. Notwithstanding the provisions of any general or special law to the contrary, the payment of escrow to a household, including interest earned thereon, shall not create any tax liability for such a household. For the purpose of determining continued eligibility, pursuant to regulations of the department, the authority shall determine the appropriate unit size based on the composition of each tenant household. If a tenant is determined to be overhoused, such tenant shall be subject to transfer to a unit of appropriate size, as required by the lease. If an overhoused tenant household refuses a transfer to an available unit of appropriate size, the tenant shall be subject to a minimum rental fee of 150 percent of the tenant's rent.

adding
SECTION 255. Section 1 of chapter 124 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after subsection (f), the following subsection:—

(u) adopt policies and procedures establishing reasonable fees for maintenance and administration of inmate accounts maintained at any state correctional facility. The commissioner may charge each inmate reasonable fees for the maintenance and administration of inmate accounts and may deduct such fees from each inmate's accounts.

adding
SECTION 256. Section 126 of chapter 127 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:—

Insert Section 256 from page 41A-
The parole board shall assess upon every person granted a parole permit a monthly parole supervision fee of \$50, hereinafter referred to as a "parole fee". Said person shall pay said parole fee once each month during such time as said person remains on parole. The parole board shall develop a schedule for the monthly payment of said fee for each parolee that is assessed. The parole board may waive payment of said parole fee if it determines that such payment would constitute an undue hardship on said person or his family due to limited income, employment status, or any other relevant factor. Any such waiver so granted shall be in effect only during the period of time that said person is determined to be unable to pay the monthly parole fee. The parole board shall establish procedures relative to the collection and waiver of such fee by regulation. Said parole fee shall be collected by the parole board and shall be transmitted to the treasurer for deposit into the General Fund. The parole board shall account for all such fees assessed, received and waived and shall report such data annually to the secretary of administration and finance and the house and senate committees on ways and means.

SECTION 257. Chapter 128 of the General Laws, as amended by chapter 139 of the Acts of 2001, is hereby further amended by striking the words "department of food and agriculture" in each instance in which they appear and inserting in place thereof in each instance the following:— division of food, agriculture and land preservation

SECTION 258. Chapter 128 of the General Laws, as amended, is hereby further amended by striking any phrase "commissioner of food and agriculture" in each instance in which they appear and inserting in place thereof in each instance the following:— director of food, agriculture and land preservation

SECTION 259. Chapter 128 of the General Laws, as amended, is hereby further amended by striking the word "commissioner" in each instance where it appears and inserting in place thereof in each instance the following:— "director"

SECTION 260. Chapter 128, of the General Laws, excluding section 95, is hereby further amended by striking out the word "department" in each instance where it appears and inserting in place thereof in each instance the following:— "division"

SECTION 261. Chapter 128 of the General Laws, as amended, is hereby further amended by striking section 1 and inserting in place thereof the following:— *Section 1.*

Section 1. The following words as used in this chapter shall have the following meanings unless the context otherwise requires: "Director", the director of food, agriculture and land preservation. "Division", the division of food, agriculture and land preservation. "Director" in sections 16 to 31, inclusive, the director of the subdivision of agricultural regulatory services in the division of food, agriculture and land preservation. "Inspector", in sections 32 to 38, inclusive, the inspector of apiaries. "Nursery stock", trees, shrubs, woody plants and strawberry plants, whether wild or cultivated, and parts thereof for propagation. "Riding school operator", any person owning or having the custody of 1 or more horses which are let for hire to be ridden or driven, with or without the furnishing of riding or driving instructions. "Trustees", the trustees for county cooperative extension service.

used
SECTION 262. Section 2 of Chapter 128 of the General Laws, as amended, is hereby further amended by striking out in line 11, the word "division" and inserting in place thereof the following:— "subdivision"

SECTION 263. Said chapter 128 of the General Laws, as amended, is hereby further amended by striking out section 12 and inserting in place thereof the following:— *Section 12.*

Said
Section 13.
Section 12. The subdivision of animal health and dairy services shall investigate all dairy products bought or sold, enforce the laws for the manufacture, transfer and sale of such products, and take such action as will tend to produce better quality thereof and to improve the dairy industry. It may cooperate with the department of public health and with inspectors of milk, but it shall not interfere with the duties of such department or officers.

SECTION 264. Chapter 128 of the General Laws, as amended, is hereby further amended by striking out section 13 and inserting in place thereof the following:— *Section 13.*
The bureau of dairying in the subdivision of animal health and dairy services shall report to the director of animal health and dairy services each case brought to its attention where any barn, stable or other enclosure, where neat cattle, other ruminants or swine are kept, is found in an unsanitary condition.

INSERT ON
PAGE 41

SECTION 256. The parole board shall assess upon every person granted a parole permit a monthly parole supervision fee of \$50, hereinafter referred to as a 'parole fee'. Said person shall pay said parole fee once each month during such time as said person remains on parole. The parole board shall develop a schedule for the monthly payment of said fee for each parolee that is assessed. The parole board may waive payment of said parole fee only if it determines that such payment would constitute an undue hardship on said person or his family due to limited income, employment status, or any other relevant factor. Any such waiver so granted shall be in effect only during the period of time that said person is determined to be unable to pay the monthly parole fee. The parole board shall establish procedures relative to the collection and waiver of such fee by regulation. Said parole fee shall be collected by the parole board and shall be transmitted to the treasurer for deposit into the General Fund. The parole board shall account for all such fees assessed, received and waived and shall report such data annually to the secretary of administration and finance and the house and senate committees on ways and means.

The parole board shall also assess upon every such person granted a parole permit a monthly parolee victim services surcharge of \$5, hereinafter referred to as a 'parolee victim services surcharge'. Said person shall pay said parolee victim services surcharge once each month at such time as said person pays the \$50 parole fee required by this section. The parole board may waive payment of said surcharge only if it determines that such payment would constitute an undue hardship on said person or his family due to limited income, employment status, or any other relevant factor. Any such waiver so granted shall be in effect only during the period of time that said person is determined to be unable to pay the monthly parolee victim services surcharge. The parole board shall establish procedures relative to the collection and waiver of such fee by regulation. Said

parolee victim services surcharge shall be collected by the parole board and shall be transmitted to the treasurer for deposit into the General Fund of the commonwealth. The parole board shall account for all such fees assessed, received and waived and shall report such data annually to the secretary of administration and finance and the house and senate committees on ways and means.

the words "the director of the division of forests and parks in the department of environmental management"

signed
SECTION 265. Section 23 of Chapter 128 of the General Laws, as so appearing, is hereby further amended by striking out lines 9 and 10 and inserting in place thereof the following:— "arbitrators who shall be the commissioner of conservation and agriculture, the director of the division of food, agriculture and land preservation, and".

SECTION 266 Chapter 128A of the General Laws, as amended by chapter 139 of the Acts of 2001, is hereby amended by striking out the words "department of food and agriculture" in each instance where they appear and inserting in place thereof in each instance the following:— "division of food, agriculture and land preservation"

sub-section
SECTION 267 Subsection (h) of section 5 of chapter 128A of the General Laws, as most recently amended by section 11 of chapter 364 of the acts of 2002, is hereby further amended by striking out said subsection and inserting in place thereof the following:

(h) All pari-mutuel taxes paid to the commission pursuant to this section, together with all pari-mutuel taxes paid to the commission pursuant to section 2 of chapter 128C, and all assessments, association licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the commission shall be deposited in a separate account under the control and supervision of the commission. The amount of pari-mutuel taxes and other revenues, except for the unclaimed wagers, credited during any calendar year to all racing licensees shall be expended in the following order of priority and for the purposes specified:—

(1) To set aside an amount to fund the annual budget of the state racing commission and this amount shall go to the General Fund.

(A) To pay, without further appropriation, the state racing commission's expenses in excess of its appropriation for the costs to conduct each racing performance held by a racing meeting licensee, including a racing meeting licensee conducting racing in conjunction with an agricultural fair; but said expenditures shall not exceed \$1,080,976 per fiscal year. Said payments shall include, but not be limited to, the cost of stewards, associate stewards, judges, associate judges, paddock judges, track judges, testing assistants, veterinarians, accountants, drug testing, and state police as well as any travel associated with those performances. The state racing commission shall file a report with the house and senate committees on ways and means on January 15 of each year detailing the amount of costs in excess of its appropriation and the amount of payments raised to cover said excess costs delineated by type.

(2) To pay any amount specifically funded from racing revenues under any general or special law.

(3) To pay: \$80,000 annually to an organization, as determined by the commission, which provide health, medical, food, substance abuse treatment and other social services for persons who are employed in the stable or the backstretch area of the running horse racing licensee located in Suffolk county; \$20,000 annually to the commission, which is authorized and directed to establish rules and regulations for the purpose of using these monies to provide economic assistance to any person employed in the racing facility, the stable or the backstretch area of the running horse racing licensee located in Suffolk county who is facing hardship due to illness or unforeseen tragedy; and \$65,000 annually to an organization, as determined by the commission, that represent the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and other welfare benefits to active, disabled or retired jockeys; and provided further, that any organization receiving an allocation from any of the said amounts shall make an annual report with the joint committee on government regulations and the house and senate committees on ways and means detailing its expenditures from said allocations.

(4) To pay: \$35,000 annually from the running horse racing licensee's pari-mutual taxes, \$35,000 annually from the harness horse racing meeting licensee's pari-mutual taxes and \$20,000 annually from each of the greyhound racing meeting licensees' pari-mutual taxes to a compulsive gambling organization, as determined by the department of public health.

(5) To pay the remaining revenues credited during any calendar year to all racing licensees, up to but not exceeding \$4,500,000, to the purse accounts of the licensees; provided further, that any remaining revenues in excess of \$4,500,000 shall be deposited in the General Fund. The amount credited to each licensee shall be based on a formula established by the commission and, in no instance, shall the amount paid to the purse account of each licensee be less than \$400,000 unless the commission collects insufficient funds to make such minimum payment to all licensees. Racing meeting licenses that are permitted to simulcast pursuant to section 2 of chapter 128C shall be eligible for purse assistance under this subsection. For the purposes of this subsection, the licensees from Bristol county shall be considered a single licensee. With respect to the remainder of the account, the commission shall promulgate regulations regarding the distribution of the funds; provided, however, that, in establishing the accounts, the commission shall consider all pertinent factors including, but not limited to: (i) the relative needs for increased purses of each licensee; (ii) the number of live racing days conducted by each licensee; (iii) the amount of the live racing handle of each licensee; (iv) the total amount of employment, both direct and indirect, attributable to each licensee; (v) each licensee's total payroll; (vi) capital investments made by each licensee; (vii) the amount of tax revenue and other revenues payable to the commonwealth produced by each licensee; (viii) and total pari-mutual tax revenue generated and payable to the commonwealth produced by each licensee. In the event that a portion of the funds is not deposited into purse accounts through the method of the minimum amount or through the formula of pertinent factors and is not otherwise expended or allocated pursuant to the provisions of this clause, that portion of funds shall be deposited into the General Fund unless otherwise specified by a general or special law. The commission shall submit the regulations for the distribution of the purse accounts to the house and senate chairman of the joint committee on government regulations within 30 days of the promulgation of said regulations. The commission may, in any case it deems appropriate, conduct an audit of any purse accounts and shall report the findings of the audit within 30 days of the conclusion thereof to the house and senate chairmen of the joint committee on government regulations.

SECTION 268. Chapter 129 of the General Laws, as amended by chapter 313 of the Acts of 2002, is hereby further amended by striking out the words "commissioner of agriculture" and "commissioner of food and agriculture" in each instance where they appear and inserting in place thereof in each instance the following:— "commissioner of conservation and agriculture"

appearing with the 2000 Official Edition
SECTION 269. Section 1 of Chapter 129 of the General Laws, as so amended, is hereby further amended by striking out lines 9 and 10 and inserting in place thereof the following:— "Division", the subdivision of animal health of the division of food, agriculture and land preservation"

the division

definition

(2A) To provide and pay local aid to licensees respective host communities an amount not less than \$1,700,000; provided, that the state treasurer, upon certification by the state racing commission, shall quarterly distribute to each city and town within which racing meetings are conducted, including racing meetings conducted in connection with a state or county fair, under licenses issued under the provisions of chapter 128A, the sum of one quarter of one percent of the total pari-mutuel wager for each such racetrack within said city or town for the 3 months ending 2 quarters prior to the quarter for which said distribution is being made, which sum shall be allocated from the commonwealth's share; provided, however, that if the parcel of land containing such racetrack is located in 2 cities or towns, said sum shall be divided so that two-thirds shall be distributed to the city or town in which the major portion of said parcel is located, and one-third shall be distributed to the other city or town.

SECTION 270. Chapter 130 of the General Laws, as amended by chapter 59 of the Acts of 2002, is hereby further amended by striking out the words "department of fisheries and wildlife" in each instance where they appear and inserting in place thereof in each instance the following:— "department of conservation and agriculture"

SECTION 271. Chapter 130 of the General Laws, as so appearing, is hereby further amended by striking out the word "division" in each instance where it appears inserting in place thereof in each instance the following:— "subdivision"

SECTION 272. Section 1 of Chapter 130 of the General Laws, as appearing, is hereby further amended by striking out lines 19 to 25, inclusive, and inserting in place thereof the following:— *five definitions*!

"Commissioner", the commissioner of conservation and agriculture.

"Dealer", any person who commercially handles fish.

"Department", the department of conservation and agriculture of the executive office of environmental affairs.

"Director", the director of the subdivision of marine fisheries.

"Subdivision", the subdivision of marine fisheries.

SECTION 273. Section 2B of chapter 130 of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 274. Chapter 130 of the General Laws, as so appearing, is hereby further amended by striking out section 5 and inserting in place thereof the following:— *section*!

Section 5. The director and the director of the subdivision of fisheries and wildlife, shall from time to time determine and establish the jurisdictional boundaries of each agency in rivers and streams flowing into the sea. Said jurisdictional boundaries may be based upon existing, man-made, natural, geographic or other known landmarks, or determined and established by other appropriate methods or means. If the director and the director of the subdivision of fisheries and wildlife should disagree concerning the determination and establishment of said jurisdictional boundaries, the dispute shall be referred to the commissioner of conservation and agriculture, whose decision on the matter shall be final.

The determination and establishment of any jurisdictional boundary made pursuant to this section shall serve solely to distinguish the jurisdiction of the subdivision of marine fisheries from the subdivision of fisheries and wildlife for purposes of fisheries management authority, shall be prima facie evidence of the jurisdiction of each respective agency, and shall have no other independent legal significance.

The director and the director of the subdivision of fisheries and wildlife may prepare plans and maps delineating said jurisdictional boundaries, and shall file a copy thereof with the secretary of state and the director of the subdivision of law enforcement.

SECTION 275. Section 105 of Chapter 130 of the General Laws, as so appearing, is hereby further amended, in line 54 by striking out the words "department of environmental management" and inserting in place thereof the following:— "department of conservation and agriculture"

SECTION 276. Chapter 131 of the General Laws, as so appearing, is hereby further amended by striking out the words "metropolitan district commission" in each instance where they appear and inserting in place thereof in each instance the following:— "department of parks and recreation"

SECTION 277. Chapter 131 and Chapter 131A of the General Laws, as so appearing, is hereby further amended by striking out the word "division" in each instance where it appears and inserting in place thereof in each instance the following:— "subdivision"

SECTION 278. Chapter 131 and Chapter 132 of the General Laws, as so appearing, is hereby further amended by striking out the words "environmental management" in each instance where they appear and inserting in place thereof in each instance the following:— "conservation and agriculture"

SECTION 279. Section 1 of Chapter 131 of the General Laws, as amended by chapter 23 of the Acts of 2002, is hereby further amended by striking out lines 19 to 28, inclusive, inserting in place thereof the following:— *rep definitions*!

"Commissioner", the commissioner of conservation and agriculture.

"Dealer", any person who commercially handles fish, game birds or game mammals protected by this chapter

"Department", the department of conservation and agriculture of the executive office of environmental affairs

"Deputy", any deputy environmental police officer appointed under section 6 of chapter 21

"Director", the director of the subdivision of fisheries and wildlife

"Subdivision", the subdivision of marine fisheries

SECTION 280. Section 2 of chapter 131 of the General Laws, as amended by chapter 23 of the acts of 2002, is hereby repealed.

SECTION 281. Section 1 of Chapter 131A of the General Laws, as amended by chapter 23 of the Acts of 2002, is hereby further amended in line 11 by striking out the words "fisheries, wildlife, and environmental law enforcement" and inserting in place thereof the following:— "conservation and agriculture"

SECTION 282. Chapter 132 of the General Laws, as so amended by chapter 177 of the acts of 2001, is hereby further amended by striking out section 1 and inserting in place thereof the following:— *section*!

Section 1. The director of the subdivision of forestry, in this chapter called the forester, in the department of conservation and agriculture, in this chapter called the department, shall promote the perpetuation, extension and proper management of the

public and private forest lands of the commonwealth; shall give such a course of instruction to the students of the University of Massachusetts on the art and science of forestry as may be arranged by the trustees of the university and the forester; and shall perform such other duties as may be imposed upon him by the governor.

SECTION 283. Section 12A of Chapter 132, as so amended, is hereby further amended, in lines 2 and 3, by striking out the words "including in such terms of the metropolitan district commission" and inserting in place thereof the following: ^{appearing} "division of urban parks and recreation".

SECTION 284. Chapter 132 of the General Laws, as so appearing, is hereby further amended by striking out sections 38A, and 39, inserting in place thereof the following ^{three sections}:

Section 38. The commissioner of parks and recreation and the commissioner of conservation and agriculture may lay out, construct and maintain trails or paths through or over lands in state forests and in public reservations and trails or paths leading to important mountains and other objects and places of special interest and beauty and he may connect such trails or paths in order to make them continuous so far as practicable. The commissioner on behalf of the commonwealth may purchase such lands or easements therein as may be necessary for the aforesaid purposes. He may post such trails or paths, erect signs thereon and construct suitable rest camps or shelters at appropriate places. He may by special permit in writing allow portions of such trails or paths to be enclosed and used by the owner of adjoining land, for any use not interfering with public passage on foot, during the whole or any part of the year upon such conditions as the commissioner may prescribe and such permits may be revoked at his pleasure. The commonwealth shall not be liable for injury or damage sustained on such trails or paths.

Section 38A. The department of parks and recreation shall construct and maintain trails for horseback riding, hiking, ski touring, snowmobiling and other uses on land within its control in accordance with a plan for each area which will minimize conflicting uses. The department is authorized to prepare and publish trail maps and other informational material to inform the public of the location and nature of such trails. To the extent practicable, the voluntary services of trail-using organizations and individuals shall be utilized in carrying out the work authorized hereunder. Expenses authorized by this section and by section 38, including the acquisition of land or easements therein, surveying and mapping, and the cost of development and construction and expenses incidental thereto, may be paid out of funds theretofore or hereafter made available for the purpose of chapter 132A.

Section 39. The mayor, selectmen or road commissioners, or the board or officer having charge of the maintenance and care of highways, if so authorized by the city council or by the town, may agree in writing, on behalf of such city or town, to contribute money, labor or materials toward the laying out or construction of any state trail or path which the commissioner of conservation and agriculture or commissioner of parks and recreation may lay out and construct within such city or town.

SECTION 285. Section 41 of Chapter 132 of the General Laws, as so amended, is hereby further amended, in line 6, by striking out the words "forests and parks" inserting in place thereof the following: ^{appearing} "forestry".

SECTION 286. Section 49 of Chapter 132 of the General Laws, as so amended, is hereby further amended, in line 1, by striking out the words "forests and parks" inserting in place thereof the following: ^{appearing} "forestry".

SECTION 287. Section 51 of Chapter 132 of the General Laws, as so appearing, is hereby further amended, by striking out the words "metropolitan district commission" in each instance where they appear, and inserting in place thereof in each instance the following: ^{appearing} "department of parks and recreation".

SECTION 288. Section 10 of chapter 132A of the General Laws, as appearing in the 2000 Official Edition, is hereby repealed.

SECTION 289. Chapter 132A of the General Laws, as amended by chapter 236 of the Acts of 2002, is hereby further amended by striking out sections 1 through 12B, inclusive, and inserting in place thereof the following ^{five sections}:

Section 1. The commissioner of the department of parks and recreation, may receive and hold in trust on behalf of the commonwealth, exempt from taxation, bequests, restitutions or gifts to be used for the purpose of advancing the recreational interests of the commonwealth and shall administer the same in such manner as to carry out the terms of such bequests, restitutions or gifts, and he may accept on behalf of the commonwealth gifts of land to be held and managed for recreational and conservation purposes.

Said trust properties shall be known as the Recreation Trust and shall be used and expended under the direction of the commissioner of parks and recreation and subject to his orders. Subject to the term of such grant, restitution, gift, devise or bequest, the commissioner may expend such funds, whether principal or income, without further appropriation.

Section 1A. The commissioner of the department of conservation and agriculture, may receive and hold in trust on behalf of the commonwealth, exempt from taxation, bequests, restitutions or gifts to be used for the purpose of advancing the conservation interests of the commonwealth and shall administer the same in such manner as to carry out the terms of such bequests, restitutions or gifts, and he may accept on behalf of the commonwealth gifts of land to be held for recreational and conservation purposes.

Said trust properties shall be known as the Conservation Trust and shall be used and expended under the direction of the commissioner of conservation and agriculture and subject to his orders. Subject to the term of such grant, restitution, gift, devise or bequest, the commissioner may expend such funds, whether principal or income, without further appropriation.

Section 2. The commissioner, with like approval, on petition of any board or commission charged with the care and maintenance of any park or reservation owned by the commonwealth outside of the division of urban parks and recreation district, with the approval of the county commissioners of the county or counties wherein such park or reservation is situated, except in cases where said county commissioners are the petitioners, may, on behalf of the commonwealth and acting through the division of state parks and recreation in the department of parks and recreation, in sections 3 to 9, inclusive, called the division, assume the

care and maintenance of such park or recreation facility, and thereafter shall expend for the care and maintenance thereof such sums as may be appropriated therefor.

Section 2A. The commissioner is hereby authorized and directed to establish a long-term program of state parks, state forest recreation areas, and state recreation facilities and for such purpose may improve areas and acquire adequate land and water areas for said facilities and approaches thereto. The commissioner may accept from other public or private organizations existing areas in public use.

Section 2B. It is hereby declared to be the policy of the commonwealth that all such sites acquired or developed by the commissioner shall, in so far as practicable, be preserved in their natural state; and that they shall be, in so far as possible, collectively self-supporting. It is also the declared policy of the commonwealth that no commercial activities, except those essential to the quiet enjoyment of the facilities by the people shall be permitted on such sites.

Section 2C. The planning, construction, operation and maintenance of the facilities acquired or developed under section 2A shall be under the jurisdiction of the commissioner. In the preparation of plans of said facilities, the commissioner shall have the advice and assistance of the department of highways, the department of conservation and agriculture, the division of urban parks and recreation, the department of public health and the department of commerce.

Section 2D. In the development and improvement of state parks, state forest recreation areas and state reservations, the commissioner is hereby authorized and empowered:- (1) To acquire, plan, construct, maintain and operate public recreational facilities, including roads, areas for parking, picnicking and camping, provisions for swimming, wading, boating, outdoor games, winter sports, horseback riding, bicycling and hiking trails, nature study, rest areas, outlooks, comfort stations, food accommodations and such other facilities as the commissioner deems necessary and desirable and consistent with the policy of the commonwealth, as set forth in section 2 B. (2) To impose and collect such charges and fees for the use of the lands, buildings, facilities and equipment enumerated in subdivision (1) as may be necessary to defray in so far as practicable the cost of such developments and improvements, including costs of maintenance and operation and bond amortization and interest and to revise said fees and charges from time to time. A disabled veteran or a handicapped person whose vehicle bears the distinctive type number plate authorized by section 2 of chapter 90 shall not be required to pay the charges or fees imposed under the provisions of this subdivision.

(3) To designate such areas as may be used in season for hunting and fishing.

(4) To effect improvements at public recreation facilities, including improvements through the commonwealth's shared energy savings program and to expend, without further appropriation, monies received as a result of the improvements from a trust for facilities, the costs associated with said improvements, including contingency costs authorized under section 43F of chapter 7. The department shall develop and submit to the secretary of administration and finance and the house and senate committees on ways and means an analysis of all expenditures from said trust on or before each September first for the prior fiscal year.

Section 3. The commissioner may, from time to time within the limits of appropriations made therefor, acquire for the commonwealth, by eminent domain under chapter 79 or by purchase, lease or otherwise, any lands suitable for purposes of recreation, and may lay out and maintain such lands for such purposes and erect and maintain such structures and other facilities thereon as may be necessary to render such lands reasonably available and accessible therefor; provided, however, that no land held in trust for public use shall be taken by eminent domain. The commissioner may, with the approval of the governor and council, sell or exchange any land acquired under this section, which in his judgment can no longer be advantageously used for purposes of recreation. He may, with like approval, authorize the construction and maintenance, on any land under control of the department, of towers, poles, wires, pipes, and structures necessary for the purpose of transmitting electric power or intelligence by electricity, and may grant an easement over such land for such purposes. He may, at any time, sell such wood, timber or other product of the lands controlled by the division as the economical management of said lands may require.

Section 3A. The exercise of the power of eminent domain under the provisions of section 3 shall be subject to the approval of the board of parks and recreation, the governor and council, and the board of selectmen in any town in which is located any land proposed to be taken by eminent domain. If such board of selectmen fails to approve or disapprove such proposed taking within 30 days after receipt of written notice thereof from the commissioner, such board shall be deemed to have approved thereof.

Section 7. The commissioner, with the approval of the governor and council, may make rules and regulations for the government and use of all property under the control of the department, including rules and regulations relative to hunting and fishing not inconsistent with the laws protecting fish, birds and mammals. Such rules and regulations may also provide for the payment of fees and other charges for the parking of vehicles and for the enjoyment of other special privileges within the territory under such control. The commissioner shall cause such rules and regulations to be posted in the territory to which they apply. The sworn certificate of the director of the division that the same have so been posted shall be prima facie evidence thereof. Violation of such a rule or regulation shall be punished by a fine not exceeding \$20. The commissioner may grant concessions for the sale of refreshments and other articles and the furnishing of services within any such territory.

Supervisors, park superintendents and laborers employed by the department, while employed in state forests, state parks or reservations shall, within the limits of said forests, parks or reservations have and exercise all the powers and duties of constables, except service of civil process, and of police officers, if so authorized in writing by the commissioner.

Section 7A. Notwithstanding any general or special law to the contrary, there is established within the department of parks and recreation, division of state parks and recreation, the position titles of chief park ranger and park ranger. Said positions shall not be eligible for the provisions of Group (4) retirement benefits. The chief park ranger and park rangers appointed and employed by the department of parks and recreation, when appointed deputy environmental police officers, shall enforce all regulations promulgated pursuant to section 4A of chapter 21, and section 7 of chapter 132A and section 16 of chapter 270, shall search for lost or missing persons or department property, and shall assist the bureau of fire control in the department of conservation and agriculture in both suppression and detection of fires.

A park ranger who has been appointed as a deputy environmental police officer who observes any violation of regulations promulgated pursuant to said section 4A of said chapter 21, and said section 7 of said chapter 132A, may request the offender to state his name and address. Whoever upon such request refuses to state his name and address may be arrested without a warrant and shall be punished by a fine of not less than \$50 and not more than \$100. Said ranger may, as alternative to instituting criminal proceedings, give to the offender a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours within 21 days after the date of such violation. Said notice shall contain the name and address of the offender, offense

charged, signature of the officer and option of the offender acknowledging that the notice has been received. The clerk of courts shall maintain a separate docket of all such notices to appear.

If any person notified to appear before the clerk of the district court fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure for the non-criminal disposition of the case, the clerk shall notify the ranger concerned, who shall forthwith make a criminal complaint.

Any person notified to appear before the clerk of the district court for a violation of said section 4A of said chapter 21, and of said section 7 of said chapter 132A, may so appear within the time specified and pay a fine of \$50. Notwithstanding any general or special law to the contrary, all fines and penalties recovered for violation of rules and regulations made under authority of this section shall be accounted for by the clerk of the court and forwarded to the department of parks and recreation to be deposited as revenue and shall be applicable to the department's retained revenue account.

A park ranger may, through independent contractors, remove from any area or way subject to their jurisdiction or control and store in any convenient place any vehicle parked or standing thereon in violation of any law, or rule and regulation; provided however, that such removal and storage shall be at no expense to and without liability on the part of the commonwealth.

Section 8. The director shall, in an advisory capacity, assist boards and commissions charged with the care and maintenance of parks or reservations owned by the commonwealth outside of the division of urban parks and recreation parks district, which are not placed under the care and control of the division.

Section 9. The commissioner shall make an annual report of the acts of the division to the commissioner of parks and recreation and the joint committees on natural resources.

Section 10. Monies received by the department of parks and recreation pertaining to state parks, reservations and recreation areas outside the urban parks and recreation district shall be credited to the general fund and shall be expended, subject to appropriation and the laws relating to state finances, for the purposes of state parks, reservations and recreation areas outside the division of urban parks and recreation district.

Section 11. The secretary of environmental affairs shall establish a program to assist the cities and towns, which have established conservation commissions under section 8C of chapter 40, in acquiring lands and in planning or designing suitable public outdoor facilities as described in sections 2B and 2D. He may, from funds appropriated to carry out the provisions of section 3, reimburse any such city or town for any money expended by it in establishing an approved project under said program in such amount as he shall determine to be equitable in consideration of anticipated benefits from such project, but in no event shall the amount of such reimbursement exceed 80 per cent of the cost of such project. No reimbursement shall be made hereunder to a city or town unless a project application is filed by such city or town with the secretary setting forth such plans and information as the secretary may require and approved by him, nor until such city or town shall have appropriated, transferred from available funds or have voted to expend from its conservation fund, under clause 51 of section 5 of chapter 40, an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with said approved plans. Any reimbursement received by a city or town under this section shall be applied to the payment of indebtedness, if any, incurred in acquiring land for such conservation project.

Section 11A. The secretary of environmental affairs shall establish a grant program to assist nonprofit corporations, formed for 1 of the purposes described in section 4 of chapter 180, and provided that the corporations are exempt organizations within the meaning of 18 U.S.C. section 501(c)(3), in acquiring interests in lands suitable for purposes of conservation or recreation. Said secretary may reimburse any such corporation for any money expended by it in establishing an approved project under the program in such amount as he shall determine to be equitable in consideration of anticipated benefits from the project. In no event shall the amount of such reimbursement exceed 50 per cent of the cost of the project. No reimbursement shall be made under this section to a corporation unless a project application is filed by the corporation with the secretary setting forth such plans and information as the secretary may require and the application is approved by him, nor until such corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project nor until the project has been completed to the satisfaction of the secretary in accordance with the approved plans. All projects shall include the corporation granting an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184, to the city or town in which the project is located, to be managed by either its conservation or recreation commission, or a state agency, or both. All projects shall provide appropriate public access as determined by the secretary. The secretary may promulgate rules and regulations to carry out this section.

Notwithstanding any general or special law to the contrary, the department of conservation and agriculture, with the approval of the co-holder, if any, in its sole discretion, may grant to any owner of land subject to an agricultural preservation restriction held by the commonwealth a nonassignable special permit allowing nonagricultural activities to occur on the agricultural preservation restriction land, provided: (a) the land is being actively utilized for full-time commercial agriculture; (b) the permit is for a maximum of 5 years' duration, which may, at the discretion of said department, be renewed; and (c) the agricultural lands preservation committee finds that the grant of a special permit will not defeat or derogate from the intent and purposes of retaining the land for agricultural use and preserving the natural agricultural resources of the commonwealth and that the agricultural preservation restriction owner meets all requirements pertaining to special permits contained in the agricultural preservation restriction agreement form presently utilized by the commonwealth at the time of application for the special permit.

Section 11B. There is hereby created an agricultural lands preservation committee in the department of conservation and agriculture, the members of which shall be the commissioner of conservation and agriculture, who shall be chairman, the secretary of environmental affairs, the director of housing and community development, the director of the office of state planning, the chairman of the board of food, agriculture, and land preservation or their respective designees, and 4 members appointed by the governor, 2 of whom shall be owners and operators of farms within the commonwealth. Members appointed by the governor shall receive \$50 for each day or portion thereof spent in discharge of their official duties not to exceed \$600 annually and shall be reimbursed for the necessary expenses incurred. The dean of the college of food and natural resources of the University of Massachusetts and the state conservationist of the United States Department of Agriculture Soil Conservation Service, or their respective designees, shall serve as nonvoting members. Said committee shall evaluate and accept or reject projects submitted by cities and towns. In so evaluating, the committee shall consider at a minimum the following:—

(1) The suitability of land as to soil classification and other criteria for agricultural use.

(2) The fair market value of such land and the fair market value of such land when used for agricultural purposes as determined by independent appraisals.

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Section 13. The director of the division of state parks and recreation shall work in cooperation with the director of the subdivision of forestry within the division of food, agriculture and land preservation and the director of the subdivision of fisheries and wildlife within the division of fisheries, wildlife and environmental law enforcement to

establish coordinated management guidelines for sustainable forestry practices on public forest lands within the departments of parks and recreation and conservation and agriculture and on private forest lands. Said guidelines for public forest lands shall include agreements on equipment, personnel transfers, operational costs, and assignment of specific management responsibilities.

The commissioner of the department of parks and recreation shall submit management plans to the board of Massachusetts parks and recreation for the board's adoption with respect to all state reservations, parks, and forests under the management of the department. Said management plans shall provide for the protection and stewardship of natural and cultural resources and shall ensure consistency between recreation, resource protection, and sustainable forest management. The commissioner shall seek and consider public input in the development of management plans, and shall make draft plans available for a public review and comment period through notice in the Environmental Monitor. Within thirty days of the adoption of such management plans, as amended from time to time, the commissioner shall file a copy of such plans as adopted by the board with the state secretary and the joint committee on natural resources and agriculture of the general court.

The commissioner of the department of parks and recreation shall be responsible for implementing said management plans, with due regard for the above requirement.

(3) The degree to which the acquisition would serve to preserve the agricultural potential of the commonwealth.

The commissioner of conservation and agriculture may establish such rules and regulations as may be deemed necessary to carry out the purposes of this section.

Each member of the committee appointed by the governor shall be appointed for a term of 4 years, and until his successor is qualified. Of the first such members appointed, one shall serve for a term of 1 year; 1 shall serve for a term of 2 years; 1 shall serve for a term of 3 years; 1 shall serve for a term of 4 years. A person appointed to fill a vacancy shall serve for the unexpired term of such vacancy. Any member may be eligible for reappointment.

Section 11C. The agricultural lands preservation committee shall prepare an annual report. Such report shall include the number and geographic distribution of applications accepted and rejected, the acreage and costs of purchases, and such other information as will enable the program to be evaluated.

Section 11D. Land under agricultural preservation restrictions, while actively devoted to agricultural, horticultural or agricultural and horticultural use as defined in sections 1 to 5, inclusive, of chapter 61A, shall be assessed for general property tax purposes at values no greater than those determined by the methods and provisions of section 10 of said chapter 61A.

Section 12. The commissioner of parks and recreation on behalf of the commonwealth may acquire by purchase, gift, eminent domain or otherwise such land, including rights-of-way and easements for the purpose of protecting or enhancing scenic beauty, as he may deem necessary to establish, protect and develop a trail across the commonwealth between the Connecticut and Vermont state line to be known as the Appalachian Trail, and he may provide shelters and other facilities thereon; provided, however, that the power of eminent domain shall not be utilized to acquire a strip of land bordering said trail no greater than 200 feet in overall width. Any department or agency of the commonwealth or any political subdivision, district or authority may transfer to the department land or rights in land for said purposes on such terms and conditions as may be agreed upon, or may enter into an agreement with the commissioner providing for the establishment and protection of said trail. The Appalachian Trail shall be held, developed and administered under this chapter primarily as a footpath and the natural scenic beauty thereof shall be preserved insofar as is practicable; provided, however, that the commissioner may permit other uses of the trail and land acquired hereunder, by the owner of adjoining land or others, in such manner and at such seasons as will not substantially interfere with the primary use of the trail. Nothing in this section shall be construed to limit the right of the public to pass over existing public roads which may be or become part of the trail, nor prevent the department from performing such work as is necessary for the purpose of forest fire prevention and control, insect pest and disease control and the removal of damage caused by natural disaster. The commissioner may grant temporary or permanent rights-of-way across lands acquired under this section under such terms and conditions as he may deem advisable. The commissioner may enter into cooperative agreements with agencies of the federal government or with private organizations to provide for the maintenance of the trail. No person who has granted a right-of-way for said trail across his land, or his successor in title, shall be liable to any user of the trail for injuries suffered on said right-of-way unless the injuries are caused by his willful or wanton misconduct. Expenses authorized under this section, including the acquisition of land or easements therein, awards of damages, surveying and mapping, and the cost of development and construction, and expenses incidental thereto, may be paid out of funds heretofore or hereafter made available for the purposes of this chapter.

Section 12A. Sections 12B to 16E, inclusive, and section 18 shall be known and may be cited as the Massachusetts Ocean Sanctuaries Act.

Section 12B. As used in sections 12A to eighteen, inclusive, the following words shall have the following meanings: —

"Act", the Massachusetts Ocean Sanctuaries Act.

"Adjudicatory hearing", a hearing conducted pursuant to sections 9, 10, 10A, 11 and 12 of chapter 30A.

"Applicant", any city, town, district, county or authority which has the legal ability to implement alternative forms of wastewater disposal, including land application, and which applies for a variance pursuant to the Act.

"Coastal embayment", coastal or marine waters that have a restricted opening to the ocean due at least in part to the formation of a barrier beach.

"Commissioner", the commissioner of the department of parks and recreation.

"Department", the department of parks and recreation.

"Environmental impact report", an environmental impact report prepared pursuant to the Massachusetts Environmental Policy Act, sections 61 to 62H, inclusive, of chapter 30.

"Estuary", a semi-enclosed body of water which has a free connection with the open sea, within which sea water is measurably diluted with fresh water derived from outflowing fresh water rivers.

"Existing discharge", a municipal, commercial or industrial discharge at the volume and locations authorized by the appropriate federal and state agencies on July 15, 1970, in the case of the Cape Cod Ocean Sanctuary; on December 8, 1971, in the case of the Cape Cod Bay and Cape and Islands Ocean Sanctuary; on June 27, 1972 in the case of the North Shore Ocean Sanctuary; and on December 30, 1976, in the case of the South Essex Ocean Sanctuary.

"Facilities plan", a plan which satisfies the planning requirements applicable to applicants for federal grants for the construction of publicly owned wastewater treatment works, as determined by the division of water pollution control.

"Person", any agency or political subdivision of the federal government or the commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee or agent of said person, and any group of said persons.

"Proposed discharge", an increase in volume or change in location of an existing discharge from a publicly owned treatment plant or combined sewer system.

"Publicly owned treatment plant", a sewage or septage treatment plant owned by a public entity.

SECTION 290. Section 2 of Chapter 132B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 60 and 80, the words "food and agriculture" and inserting in place thereof the following: "environmental protection".

SECTION 291. Chapter 132B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking section 3 and inserting in place thereof the following:

Section 3. There shall be within the department of environmental protection a postle board which shall consist of the commissioner of environmental protection or his designee, the commissioner of conservation and agriculture or his designee, the

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SECTION 290. Section 2 of Chapter 132B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 60 and 80, the words "food and agriculture" and inserting in place thereof the following:— conservation and agriculture

SECTION 291. Chapter 132B of the General Laws, as so appearing, is hereby amended by striking section 3 and inserting in place thereof the following:—

Section 3. There shall be within the department of conservation and agriculture a pesticide board which shall consist of the commissioner of conservation and agriculture or his designee, the commissioner of environmental protection or his designee, the director of the division of food, agriculture, and land preservation or his designee, the director of the division of fisheries, wildlife and environmental law enforcement or his designee, the commissioner of public health or his designee, and eight persons appointed by the governor one of whom shall have been engaged in the commercial production of a plant-related agricultural commodity for at least the preceding five years on land owned or rented by him, one of whom shall have been an active commercial applicator of pesticides for at least the preceding five years, one of whom shall have expertise in the health effects of pesticide use, one of whom shall be a physician, one of whom shall be experienced in the conservation and protection of the environment, and two of whom shall represent the public at large. The commissioner of conservation and agriculture or his designee shall be chairman of the board.

The appointive members of the board shall receive \$50 dollars for each day or portion thereof spent in the discharge of their official duties and shall be reimbursed for their necessary expenses incurred in the discharge of their official duties. Each appointive member shall be appointed for a term of four years, except for persons appointed to fill vacancies who shall serve for the unexpired term. Any member shall be eligible for reappointment.

The board shall hold an annual meeting in March, and regularly at three other times annually, and from time to time at the call of the chairman or upon the request of any two members. Seven members of the board shall constitute a quorum. The board may, by vote of a majority of its members then in office, adopt rules and regulations for the conduct of its business. Rules and regulations adopted may be amended or repealed by a two-thirds vote of its members.

The board, in addition to other powers conferred in this chapter, shall advise the commissioner of conservation and agriculture with respect to the implementation and administration of this chapter.

The pesticides program director established by section four shall attend meetings of the board, shall serve as secretary thereto, but shall have no vote in its deliberation.

SECTION 292. Section 3A of Chapter 132B of the General Laws, as so appearing, is hereby amended by striking lines 6 through 9, inclusive, and inserting in place thereof the following:—

5 members, the commissioner of conservation and agriculture, who shall act as chairman or his designee, the director of the division of food, agriculture, and land preservation or his designee, the commissioner of environmental protection or his designee, the commissioner of public health or his,

the words "the commissioner of environmental protection or his designee" shall be struck out and the words "the commissioner of public health or his designee" shall be inserted in place thereof.

director of the division of food, agriculture, and land preservation or his designee, the director of the division of fisheries, wildlife and environmental law enforcement or his designee, the commissioner of public health or his designee, and eight persons appointed by the governor one of whom shall have been engaged in the commercial production of a plant-related agricultural commodity for at least the preceding five years on land owned or rented by him, one of whom shall have been an active commercial applicator of pesticides for at least the preceding five years, one of whom shall have expertise in the health effects of pesticide use, one of whom shall be a physician, one of whom shall be experienced in the conservation and protection of the environment, and two of whom shall represent the public at large. The commissioner of environmental protection or his designee shall be chairman of the board.

The appointive members of the board shall receive \$50 dollars for each day or portion thereof spent in the discharge of their official duties and shall be reimbursed for their necessary expenses incurred in the discharge of their official duties. Each appointive member shall be appointed for a term of four years, except for persons appointed to fill vacancies who shall serve for the unexpired term. Any member shall be eligible for reappointment.

The board shall hold an annual meeting in March, and regularly at three other times annually, and from time to time at the call of the chairman or upon the request of any two members. Seven members of the board shall constitute a quorum. The board may, by vote of a majority of its members then in office, adopt rules and regulations for the conduct of its business. Rules and regulations adopted may be amended or repealed by a two-thirds vote of its members.

The board, in addition to other powers conferred in this chapter, shall advise the commissioner of environmental protection with respect to the implementation and administration of this chapter.

The pesticides program director established by section four shall attend meetings of the board, shall serve as secretary thereto, but shall have no vote in its deliberation.

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SECTION 292. Section 6 of Chapter 182B of the General Laws, as so appearing, is hereby amended by striking lines 6 through 9, inclusive, and inserting in place thereof the following *words*:

to appear
5 members, the commissioner of environmental protection, who shall act as chairman or his designee, the director of the division of food, agriculture, and land preservation or his designee, the commissioner of conservation and agriculture or his designee, the commissioner of public health or his designee, and

is hereby
SECTION 293. Chapter 138 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 13 and inserting in place thereof the following section:

Section 13. A railroad or car corporation operating any line of railroad or furnishing refreshments upon railroad cars within the commonwealth may sell, in any dining, club, buffet or lounge car, alcoholic beverages to be drunk in such cars, if the commission sees fit to issue a license to such railroad or car corporation. The fee for each license under this section shall be \$500 and for each certified copy thereof \$50. An airline corporation operating within the commonwealth may sell in any aircraft alcoholic beverages to be consumed thereon, if duly licensed by the commission. The annual license fee for each airline corporation shall be \$500 and for each certified copy thereof \$50. The commission may also issue licenses to sell alcoholic beverages to the owner or operator of any vessel or shipping company carrying passengers and operating out of any port of the commonwealth. Sales of alcoholic beverages by licensees under this section shall be made only under such regulations as the commission may prescribe. The annual license fee for each vessel shall be \$500. Retail sales by ship chandlers of all alcoholic beverages not to be drunk on the premises, may be authorized by the commission, provided, however, that such sales shall not be for purposes other than provisioning a vessel or shipping company using any port of the commonwealth. The fee for a license to ship chandler for such sales shall be not less than \$500 nor more than \$1,000. No other license shall be required under this chapter for sales as authorized under this section.

to appear
SECTION 294. The first paragraph of section 18 of said chapter 138, as most recently amended by section 2 of Chapter 228 of the acts of 2002, is hereby amended by striking out the last two sentences of the first paragraph and inserting in place thereof the following words: *two sentences*:

The license fee for a license issued under this section to sell and import all alcoholic beverages shall be \$10,000. The license fee for a license issued under this section to sell and import wines and malt beverages only shall be \$5,000; provided, that the license fee for a license issued under this section to sell wines for sacramental use shall be \$3,000.

SECTION 295. Section 18A of said chapter 138, as so appearing, is hereby amended by striking out, in line 23, the words "one thousand dollars" and inserting in place thereof the following figure:— \$5,000.

SECTION 296. Section 18B of said chapter 138, as so appearing, is hereby amended by striking out, in line 16, the words "shall not exceed ten dollars" and inserting in place thereof the following figure:— *figure* shall be no less than \$200.

to appear
SECTION 297. Section 19 of said chapter 138, as most recently amended in section 4 of chapter 228 of the acts of 2002, is hereby amended by striking out, in lines 41 and 42, the words "not less than two thousand nor more than five thousand dollars" and inserting in place thereof the following words:— *figure* not less than \$6,000 nor more than \$10,000.

SECTION 298. Section 19A of said chapter 138, as so appearing, is hereby amended by striking out, in line 9, the words "fifteen dollars" and inserting in place thereof the following words:— \$200.

SECTION 299. Section 20 of said chapter 138, as so appearing, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following paragraphs:—

Section 20. The commission may grant to any holder of a manufacturer's, farmer-winery, farmer-brewery or wholesaler's and importer's license under this chapter a permit to store in any city or town those alcoholic beverages which such licensees are authorized to manufacture, produce or sell; provided, that there shall not be granted to such manufacturer, farmer-winery, farmer-brewery, or wholesaler and importer, in the aggregate, more than three such permits in the commonwealth, not more than one such permit in any city or town. A permit so granted to the holder of such a license shall authorize him to deliver such beverages from any place of storage for which he has such a permit upon orders, which need not be in writing, received by him at the premises covered

by his manufacturer's, farmer-winery, farmer-brewery or wholesaler's and importer's license and transmitted to the place of storage covered by the permit. The commission may establish annual fees thereof not exceeding \$2,000 for any one permit.

Special warehouse permits may be granted by the commission for the storage of alcoholic beverages in a duly licensed bonded warehouse. A special permit so granted shall authorize the holder thereof to transfer such beverages between any premises for which he has such special permit and any premises covered by his manufacturer's, farmer-winery, farmer-brewery or wholesaler's and importer's license. The fee for such a special permit shall be not less than \$125 nor more than \$1,000.

Special seasonal permits may be granted by the commission upon payment of a fee of \$500 for each such permit, which shall authorize any licensee under section eighteen or nineteen to store malt beverages in the same city or town in which their licensed premises are located; provided, that such storage shall be in a place properly equipped for the refrigeration of malt beverages and that such an authorization shall be effective only for the period between April first and October thirty-first in any year.

SECTION 300. Section 20A of said chapter 138, as so appearing, is hereby amended by striking out, in line 10, the words "ten dollars" and inserting in place thereof the following figure:— \$500.

SECTION 301. Section 22 of said chapter 138, as so appearing, is hereby amended by striking out, in line 20, the words "thirty dollars" and inserting in place thereof the following figure:— \$150.

SECTION 302. ^{Section} Section 22 of said chapter 138, as so appearing, is hereby ^{further} amended by striking out, in line 25, the words "three hundred dollars" and inserting in place thereof the following figure:— \$1,500.

SECTION 303. Section 22 of said chapter 138, as so appearing, is hereby further amended by striking out, in line 31, the words "twenty-five dollars" and inserting in place thereof the following figure:— \$150.

SECTION 304. Said section 22 of said chapter 138, as so appearing, is hereby further amended by striking out, in line 34, the words "five dollars" and inserting in place thereof the following figure:— \$50

SECTION 305. Section 122 of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the seventh sentence and inserting in place thereof the following sentences:—

The fee for an application for a license issued under this section shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth.

SECTION 306. Section 122B of said chapter 140, as so appearing, is hereby amended by striking the fifth sentence and inserting in place thereof the following sentences:—

The fee for an application for a license to sell ammunition shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth.

SECTION 307. ^{Paragraph} Clause (9) of section 129B of said chapter 140, as so appearing, is hereby amended by striking the fourth and fifth sentences and inserting in place thereof the following sentences:—

The fee for such application shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth; provided, however, that any renewal applicant for a firearm identification card issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly prepared liquid, gas or powder designed to temporarily incapacitate shall not be subject to such application fee.

SECTION 308. Subsection (i) of section 131 of said chapter 140, as so appearing, is hereby amended by striking the fourth sentence and inserting in place thereof the following sentences:—

The fee for such application shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth.

SECTION 309. Section 131A of said chapter 140, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:—

The fee for such permits shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth.

SECTION 310. Section 131F of said chapter 140, as so appearing, is hereby amended in the fourth paragraph by striking the third sentence and inserting in place thereof the following sentences:—

The fee for an application for such license shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth.

SECTION 311. Section 131H of said chapter 140, as so appearing, is hereby amended by striking the third sentence and inserting in place thereof the following sentences:—

The fee for such permit shall be set at \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of such fee, and \$75 of such fee shall be deposited into the general fund of the commonwealth.

SECTION 312. Sections 160 through 168A of Chapter 149, as appearing in the 2000 Official Edition, is hereby amended by striking out the word "Commissioner", in each instance in which it appears, and inserting in place thereof, in each instance, the following:— the director of workforce development

SECTION 313. Sections 160 through 168A of Chapter 149, as appearing in the 2000 Official Edition, is hereby amended by striking out the word "Department", in each instance in which it appears, and inserting in place thereof, in each instance, the following:— the Department of workforce development

SECTION 314. Section 1 of Chapter 149 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition of "commissioner" and inserting in place thereof, the following: *definition* "Commissioner", the director of economic affairs

SECTION 315. Section 1 of said Chapter 149 of the General Laws, as so appearing, is hereby amended by striking out the definition of "department" and inserting in place thereof, the following: *definition* "department", the department of economic affairs

SECTION 316. Said chapter 150 of the General Laws, as so appearing, is hereby amended by striking the words "Board of Conciliation and Arbitration" in each instance in which they appear, and inserting in place thereof the following: *definition* "Bureau of Municipal Mediation"

SECTION 317. Section 1 of chapter 150 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out said section and inserting in place thereof the following: *definition* Section 1. The Bureau of Municipal Mediation, in this chapter called the Board, shall perform the duties required by this chapter, and the duties required by any other general or special law.

SECTION 318. Section 1 of Chapter 150E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition of "Board" and inserting in place thereof the following: *definition* "Board", the bureau of municipal mediation

SECTION 319. Section 2 of Chapter 151 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition of "commissioner" and inserting in place thereof, the following: *definition* "Commissioner", the director of economic affairs

SECTION 320. Section 2 of said Chapter 151 of the General Laws, as so appearing, is hereby amended by striking out the definition of "department" and inserting in place thereof the following: *definition* "department", the department of economic affairs

SECTION 321. Said Chapter 151A of the General Laws, as most recently amended, is hereby further amended by striking the words "division of employment and training" in each instance in which they appear, and inserting in place thereof, in each instance, the following:— division of employment security

SECTION 322. Section 1 of Chapter 151A of the General Laws, as amended by Chapter 69 of the Acts of 2001, is hereby further amended by striking the definition "commissioner" and inserting in place thereof, the following: *definition* "Commissioner", the director of the department of economic affairs established pursuant to the provisions of section one of chapter twenty three.

SECTION 323. Said Section 1 of said Chapter 151A of the General Laws, as amended, is hereby further amended by striking the definition "department" and inserting in place thereof, the following: *definition* "Department", the division of employment security within the department of economic affairs.

SECTION 324. Section 22 of said Chapter 151A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking "department of employment and training" and inserting in place thereof, the following: *definition* the department of workforce development

SECTION 325. Section 58 of said Chapter 151A of the General Laws, as so appearing, is hereby amended by *adding* after subsection (f) the following subsection: *adding* (g) Funds from this account shall be used to support the administration and operation of chapter 151A, and may be used to contract with the department of workforce development for space required to maintain walk-in services, including the provision of general information, application assistance, claims information and orientation, under this chapter.

SECTION 326. Section 61 of said Chapter 151A of the General Laws, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following: *paragraph* "For the purpose of maintaining free employment offices, the director of economic affairs is authorized to enter into agreement with the director of workforce development, and shall reimburse the director of workforce development for the agreed costs of maintaining and expanding said offices."

SECTION 327. Subsection (a) of section 62A of said Chapter 151A of the General Laws, as so appearing, is hereby amended by striking the words "The division of employment and training shall provide" and inserting in place thereof, the following: *out* "The division of employment security shall contract with the department of workforce development to provide"

SECTION 328. Subsection (b) of section 62A of said Chapter 151A of the General Laws, as so appearing, is hereby amended by striking said subsection and inserting in place thereof, the following: *subsubsection* "In addition to such access by telephone to offices of the division, the deputy director shall contract with the department of workforce development to maintain walk-in services, including the provision of general information, application assistance, claims information and orientation."

SECTION 330, Section 74 of said chapter 151A, as so appearing, is hereby amended by striking out the words "Employment and Training", and inserting in place thereof the following: "Unemployment Insurance".

sub
SECTION 329. Section 71D of said Chapter 151A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the first sentence, and inserting in place thereof, the following:— Subject to appropriation, the director of workforce development, in coordination with any other appropriate agency, shall establish a reemployment assistance program to provide counseling, placement, training, and any other services deemed necessary, to employees terminated in plant closings and partial closings which will lead to the reemployment of said employees.

~~SECTION 330. Section 74 of said chapter 151A, as so appearing, is hereby repeated.~~

~~SECTION 331. Section 2 of chapter 151B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following subsection:—~~

~~As ds To set, charge and retain fees, subject to the provisions of section 3B of chapter 7.~~

~~(a) There shall be a \$125 fee charged by the commission for the filing of a complaint pursuant to the provisions of this chapter.~~

~~(b) In the event that both parties involved in a discrimination case should decide to resolve the matter through mediation, there shall be a \$200 fee charged by the commission for providing mediation services, and said fee shall be divided equally among the parties.~~

~~(c) The commission shall set fees for costs incurred responding to requests under the commonwealth's public records law.~~

~~(d) The commission may, where appropriate, provide for the waiver of the charges set forth in this subsection.~~

~~SECTION 332. Section 8 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking subsection (h) and inserting in place thereof the following *subsection*:~~

~~(h) All current expenses of the authority shall be in accordance with an annual budget prepared by the administrator and submitted to the advisory board no later than April 1 of each year for the ensuing fiscal year. An authority may not submit an annual budget to its advisory board for approval without first submitting said budget to the secretary of the Executive Office of Transportation and Construction who shall provide written approval of said budget as submitted or subject it to such itemized reductions therein and then shall provide written approval of said reduced budget. On or before June 1 the advisory board shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory board shall deem appropriate.~~

adding
SECTION 333. Chapter 161B is hereby amended by inserting the following new section:—

Section 26. The regional transit authorities shall establish a stabilization fund into which the authorities shall deposit revenues in excess of expenditures. Said stabilization fund shall have a fund balance no greater than 15% of total revenues for all regional transit authorities for the fiscal year most recently ended. Monies from said fund shall be subject to appropriation and used for capital improvements and expenditures, to offset the unforeseen and dramatic loss of revenues within a fiscal year, and to pay current expenses after implementing all efficiencies and savings possible. The authorities may not assume draws from said stabilization fund in preparing their annual budgets. In the event that an authority requires a draw from said fund, it shall file with the secretary of administration and finance, secretary of transportation and construction, joint committee on transportation and the house and senate committees on ways and means a financial plan that projects to produce in the following fiscal year an excess of revenues over expenses, all measures taken to implement efficiencies and savings, the amount necessary to offset operating losses, and any other information that said secretaries or committees may require.

SECTION 334. Section 6 of chapter 161D of the General Laws, as appearing in the 2000 Official Edition, is hereby repeated.

SECTION 335. Section 14 of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, after line 66, the following clause:— For each insurance agent appointment or renewal thereof under section 162S.

The twenty-third clause
~~SECTION 336. Chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 24D the following section:—~~

further
Section 24E. (a) Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, every company authorized to issue policies of insurance pursuant to this chapter shall provide information to the division of medical assistance and the department of transitional assistance, for use by said agencies for any purpose related to the administration of their programs, including the recovery of public assistance benefits pursuant to section 22 of chapter 118E and section 5G of chapter 18. Information shall be provided (1) within 10 business days of the company receiving a claim and (2) within 30 calendar days prior to making any nonrecurring payment equal to or more than \$500.

(b) The company shall either (1) electronically enter into a database maintained by said agencies the claimant's social security number and such other information appearing in the company's files as said agencies may require or (2) using a method and format prescribed by the agencies, provide information about the claimant, including the claimant's name, address, date of birth, social security number, and such other information appearing in the company's files as said agencies may require.

(c) A company shall provide further information within five business days of receipt of any request and at least 10 business days prior to making payment.

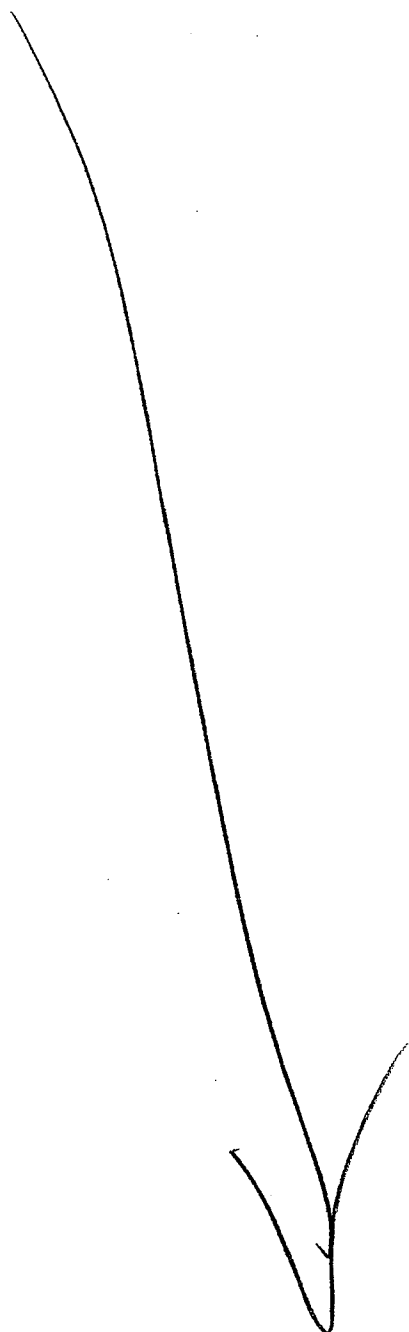
(d) For the purpose of this section, the word "claimant" shall mean an individual who brings a claim against an insured under a liability insurance policy or the liability coverage portion of a multiperil policy or a beneficiary under a life insurance policy.

(e) Individuals making claims governed by this section shall include their current address, date of birth and social security number as part of any claim filed with an insurance company.

(f) The division of medical assistance, the department of transitional assistance and the Title IV-D agency shall use their best efforts to make mutually satisfactory arrangements so companies have a single point of entry for transmitting information electronically and providing information required under this section and section 24D. The division of medical assistance and the

SECTION 336. Chapter 175 of the General Laws, as appearing in the 2000 official edition, is hereby amended by inserting after section 24D the following section:-

Section 24E. (a) Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, prior to making any nonrecurring payment equal to or in excess of \$500 to a claimant under a contract of insurance, every company authorized to



issue policies of insurance pursuant to this chapter shall exchange information with the division of medical assistance and the department of transitional assistance for use by said agencies for the purpose of the recovery of public assistance benefits. The company shall either provide the division of medical assistance and the department of transitional assistance with information about the claimant or examine information made available by said agencies and updated not more than once a month. If the company elects to provide the division of medical assistance and the department of transitional assistance with information about a claimant, the company shall provide to said agencies, not less than ten business days prior to making payment to such claimant, the claimant's name, address, date of birth and social security number as appearing in the company's files and such other information appearing in the company's files as said agencies may require. The company shall use a method and format prescribed by the division of medical assistance and the department of transitional assistance but if the company is unable to use a method and format prescribed by said agencies, such company shall cooperate with said agencies to identify another method or format, including submission of written materials. If the company elects to examine information made available by the division of medical assistance and/or the department of transitional assistance concerning individuals who have received public assistance benefits and are subject to a lien to secure repayment, the company shall notify the division of medical assistance and/or the department of transitional assistance, not less than ten business days prior to making payment to a claimant who has received public assistance benefits and is subject to a lien to secure repayment, of the claimant's name, address, date of birth and social security number as appearing in the company's files and such other information appearing in the company's files as said agencies may require.

For the purpose of this section, the word "claimant" shall mean an individual who brings a claim against an insured party under a liability insurance policy issued in the Commonwealth or under the liability coverage portion of a multiperil policy issued in the Commonwealth, a beneficiary under a life insurance contract issued in the Commonwealth, or a beneficiary living in the Commonwealth who is designated to receive payment under a life insurance contract issued by a company licensed in the Commonwealth.

(b) An individual making a claim governed by this section shall provide his current address, date of birth and social security number to the insurance company, upon the request of the company. Such company may inform the claimant that such request is being made in accordance with this section for the purpose of assisting the division of medical assistance and the department of transitional assistance in the recovery of public assistance benefits. Any such individual who refuses to provide the information required by this section shall not receive payment on the claim, and the company that declines payment on this basis shall be exempt from suit and immune from liability under this chapter or any other chapter or in any common law action in law or equity.

(c) Pursuant to regulations issued by the secretary of the executive office of health and human services in consultation with the commissioner of insurance, a company that knowingly fails to accurately exchange information regarding a claim to which this

section applies shall be subject to a penalty assessed by the division of medical assistance and the department of transitional assistance. A company that fails or refuses to surrender property subject to a lien to the agency shall be liable as provided in paragraph (7) of subsection (b) of section 6 of said chapter 119A. A company that makes a payment to the agency pursuant to this section and an insured individual on whose behalf the company makes a payment shall be immune from any obligation or liability to the claimant or other interested party arising from the payment, notwithstanding the provisions of this chapter or any other law.

(d) The division of medical assistance, the department of transitional assistance and the agency shall use their best efforts to make mutually satisfactory arrangements so companies have a single point of entry for accessing and transmitting information electronically pursuant to this section and section 24D. The division of medical assistance and the department of transitional assistance shall provide the agency with access to information regarding individuals receiving assistance under their programs for that purpose and so that a company can be informed if the claimant or the claimant's heirs or legal representative may owe monies to the division or the department.

(e) Information provided by the agency to a company under this section may only be used for the purpose of assisting the agency in collecting past due public assistance benefits. Any individual or company who uses such information for any other purpose shall be liable in a civil action to the agency in the amount of \$1,000 for each violation.

(f) In the event of a state of emergency declared by the governor or the president of the United States, the commissioner of insurance may temporarily suspend the application of this section to claims made due to the conditions resulting in such state of emergency.

and moves that the bill be further amended in section 427, in line 4, by inserting after the words "publicly operated providers" the following words: -- including but not limited to the Town of Provincetown, which is the owner of Cape End Manor and the City of Taunton, which is the owner of Taunton Nursing Home.

department of transitional assistance shall provide the Title IV-D agency with access to information regarding individuals receiving assistance under their programs for that purpose and so that a company can be informed if the claimant or the claimant's heirs or legal representative may owe monies to the division of the department.

(g) In the event of a state of emergency declared by the governor or the president of the United States, the commissioner of insurance may temporarily suspend the application of this section to claims made due to the conditions resulting in such state of emergency.

SECTION 337. Chapter 185C of the General Laws, as most recently amended by *section 112 of* chapter 184 of the acts of 2002, is hereby amended by striking out section 19 and inserting in place thereof the following section:—

~~Chapter 185C. Section 19. Commencement of proceedings; fees; non-willful offense deemed non-criminal.~~

Proceedings shall be commenced in the housing court department as follows: a criminal case by complaint in like manner as in the district court department, a civil action in accordance with the Massachusetts Rules of Civil Procedure; provided, however, that a summary process action and a small claims action shall be commenced and administered in accordance with rules promulgated with the approval of the supreme judicial court. Clerks of the housing court department shall charge a fee of \$120 for the entry of an action, for the filing of a third-party complaint, and for the filing of a motion to intervene as plaintiff, which shall be paid by the party entering or filing the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge \$90; provided, however, that no fee for the entry of an action or for the issuance of a temporary restraining order or preliminary injunction shall be charged to the commonwealth or political subdivision thereof.

Notwithstanding that a proceeding under this chapter is commenced by complaint, if it is found that the offense charged was not willful, intentional, reckless or repeated, the proceeding shall not be deemed criminal and no record of the case shall be entered in the probation records.

SECTION 338. Section 9 of chapter 197 of the General Laws, as *in the 2000 Official Edition* appearing, is hereby amended by striking *out* subsection (d) and inserting in place thereof the following:—

(d) If a deceased received medical assistance under chapter 118E when such deceased was 55 years of age or older or while an inpatient in a nursing facility or other medical institution, section 32 of chapter 118E shall govern the notice to be given to the division of medical assistance and such division's claim for recovery under the provisions of section 31 of chapter 118E if the division so chooses.

SECTION 339. Section 2 of chapter 211B of the General Laws, as recently amended by section 38 of chapter 177 of the acts of 2001, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—

There shall be 82 justices appointed to the superior court department, 10 justices appointed to the housing court department, 6 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 30 justices appointed to the Boston municipal court department, 41 justices appointed to the juvenile court department and 158 justices and special justices appointed to the district court department.

SECTION 340. Section 9A of chapter 211B of the *last* general laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, *in lines 14 through 37,* the second paragraph and inserting in the place thereof the following paragraph:—

In the Roxbury and Dorchester divisions of the Boston municipal court department 1 court officer shall be designated by the first justice of each said court with the approval of the chief justice for administration and management as chief court officer and one as assistant chief court officer. In the district court of Chelsea, in the Brighton, West Roxbury, East Boston and South Boston divisions of Boston municipal court department one court officer shall be designated by the first justice of each said court as chief court officer, with the approval of the chief justice for administration and management. In the Boston juvenile court, 1 court officer shall be designated by the first justice of said court as chief court officer and two as assistant chief court officers with the approval of the chief justice for administration and management. In the central division of the Boston municipal court department, the chief justice of the Boston municipal court department, with the approval of the chief justice for administration and management, shall designate one court officer as chief court officer and two as assistant chief court officers of said court for criminal business and one court officer as chief court officer and one as assistant chief court officer of said court for civil business. In the district court of Brockton one court officer shall be designated by the justice of said court as chief court officer. Such court officers shall, while on duty, wear uniforms approved by the chief justice for administration and management, which shall be furnished at the expense of the commonwealth.

SECTION 341. Chapter 218 of the general laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 1 and inserting in place thereof the following section:—

~~Section 1. The district court department, established under section one of chapter two hundred and eleven B, shall consist of divisions, one for each of the judicial districts hereinafter enumerated, and whenever the words "district court", "municipal court" or "court" are used in this chapter, unless the context refers exclusively to the Boston municipal court department or a juvenile court, or some other clearly contrary intent, such words shall refer to a division of the district court department. Unless the context refers only to a person appointed to the Boston municipal court department or to a juvenile court, the words "justice" and "special justice" shall mean, respectively, an associate justice and a special justice of the trial court appointed to a division of the district court department; and the words "clerk" or "clerk of court" shall mean the clerk of such court; and the words "assistant clerk," "deputy assistant clerk," "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of such court.~~

The several divisions of the Boston municipal court department and of the several divisions of the district court department shall continue to comprise the following cities, towns, wards and territory, in the following counties, respectively.

~~Barnstable~~

~~The first district court of Barnstable, held at Barnstable; Barnstable, Sandwich and Yarmouth. The second district court of Barnstable, held at Orleans; Provincetown, Truro, Wellfleet, Eastham, Orleans, Brewster, Chatham, Harwich and Dennis. The third~~

Section 1. The district court department, established under section one of chapter two hundred and eleven B, shall consist of divisions, one for each of the judicial districts hereinafter enumerated, and whenever the words "district court", "municipal court" or "court" are used in this chapter, unless the context refers exclusively to the Boston municipal court department or a juvenile court, or some other clearly contrary intent, such words shall refer to a division of the district court department. Unless the context refers only to a person appointed to the Boston municipal court department or to a juvenile court, the words "justice" and "special justice" shall mean, respectively, an associate justice and a special justice of the trial court appointed to a division of the district court department; and the words "clerk" or "clerk of court" shall mean the clerk of such court; and the words "assistant clerk," "deputy assistant clerk," "temporary clerk" or

"temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of such court.

The several divisions of the Boston municipal court department and of the several divisions of the district court department shall continue to comprise the following cities, towns, wards and territory, in the following counties, respectively.

Barnstable

The first district court of Barnstable, held at Barnstable; Barnstable, Sandwich and Yarmouth. The second district court of Barnstable, held at Orleans; Provincetown, Truro, Wellfleet, Eastham, Orleans, Brewster, Chatham, Harwich and Dennis. The third district court of Barnstable, held at Falmouth; Mashpee, Falmouth and Bourne. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Berkshire

The district court of northern Berkshire, held at Adams, North Adams and Williamstown; Adams, North Adams, Williamstown, Clarksburg, Florida, New Ashford, Cheshire, Savoy, Hancock, and Windsor; the district court of central Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of central Berkshire, held at Pittsfield; Pittsfield, Hancock, Lanesborough, Peru, Hinsdale, Dalton, Washington, Richmond, Lenox, Becket and Windsor; the district court of southern Berkshire exercising concurrent jurisdiction in Lenox and Becket and the district court of northern Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of southern Berkshire, held at Great Barrington and Lee; Sheffield, Great Barrington, Egremont, Alford, Mount Washington, Monterey, New Marlborough, Stockbridge, West Stockbridge, Sandisfield, Lee, Tyringham, Otis, Lenox, Becket; the district court of central Berkshire exercising concurrent jurisdiction in Lenox and Becket.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Bristol

The first district court of Bristol, held at Taunton; Taunton, Rehoboth, Berkley, Dighton, Seekonk, Easton and Raynham.

The second district court of Bristol, held at Fall River; Fall River, Somerset, Swansea, Freetown and Westport; the third district court of Bristol exercising concurrent jurisdiction in Freetown and Westport.

The third district court of Bristol, held at New Bedford; New Bedford, Fairhaven, Acushnet, Dartmouth, Freetown and Westport; the second district court of Bristol exercising concurrent jurisdiction in Freetown and Westport.

The fourth district court of Bristol, held at Attleboro; Attleboro, North Attleborough, Mansfield and Norton. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Dukes County

The district court of Dukes County, held at Oak Bluffs, Edgartown and Tisbury; Dukes County.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of the above court of this county.

Essex

The first district court of Essex, held at Salem; Salem, Beverly, Danvers, Middleton and Manchester-by-the-Sea.

The second district of Essex, held at Ipswich; Ipswich, Hamilton, Topsfield and Wenham.

The central district court of northern Essex, held at Haverhill; Haverhill, Groveland, Georgetown, Boxford, and West Newbury; the district court of Newburyport exercising concurrent jurisdiction in West Newbury.

The district court of eastern Essex, held at Gloucester; Gloucester, Rockport, and Essex.

The district court of southern Essex, held at Lynn; Lynn, Swampscott, Saugus, Marblehead and Nahant.

The district court of Lawrence, held at Lawrence and Methuen; Lawrence, Andover, North Andover and Methuen.

The district court of Newburyport, held at Newburyport; Amesbury, Merrimac, Newbury, Newburyport, Rowley, Salisbury and West Newbury; the central district court of northern Essex exercising concurrent jurisdiction in West Newbury.

The district court of Peabody, held at Peabody; Peabody, and Lynnfield.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-

nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Franklin

The district court of Franklin, held at Greenfield, Franklin county, except Orange, Erving, Warwick, Wendell, Leverett, Montague, Shutesbury, and New Salem. Sessions may also be held at Shelburne Falls in Shelburne and Buckland at such times and places as the justice of said court may determine.

The district court of eastern Franklin, held at Orange; Athol, Orange, Erving, Warwick, Wendell, Leverett, Montague, Shutesbury, and New Salem. Said court shall be held in Athol at least one day each week of the year. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Hampden

The district court of eastern Hampden held at Palmer; Palmer, Brimfield, Hampden, Monson, Holland, Wales, Wilbraham, Ludlow and East Longmeadow.

The district court of western Hampden, held at Westfield and Chester; Westfield, Chester, Granville, Southwick, Russell, Blandford, Tolland, Montgomery and Agawam.

The district court of Chicopee, held at Chicopee; Chicopee.

The district court of Holyoke, held at Holyoke; Holyoke.

The district court of Springfield held at Springfield; Springfield, West Springfield and Longmeadow.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Hampshire

The district court of Hampshire, held at Northampton, Cummington, Huntington, and Easthampton; Hampshire county, except Amherst, Belchertown, Granby, Hadley, South Hadley, Pelham, Ware, and any violation of law committed on the land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

The district court of eastern Hampshire, held at Belchertown, Amherst, Granby, Hadley, South Hadley, Pelham, Ware, and any violation of law committed on the land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Middlesex

The district court of central Middlesex held at Concord; Concord, Acton, Bedford, Carlisle, Lincoln, Maynard, Stow, and Lexington.

The first district court of northern Middlesex, held at Ayer; Ayer, Dunstable, Groton, Pepperell, Townsend, Ashby, Shirley, Westford, Littleton and Boxborough, and the Devens Regional Enterprise Zone.

The first district court of eastern Middlesex, held at Malden; Malden, Wakefield, Melrose and Everett.

The second district court of eastern Middlesex, held at Waltham; Waltham, Watertown and Weston.

The third district court of eastern Middlesex, held at Cambridge; Cambridge, Arlington and Belmont.

The fourth district court of eastern Middlesex, held at Woburn; Woburn, Winchester, Burlington, Wilmington, Stoneham, Reading and North Reading.

The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, Sudbury, and Hopkinton.

The district court of Lowell, held at Lowell; Lowell, Billerica, Tewksbury, Dracut, Chelmsford and Tyngsborough.

The district court of Marlborough, held at Marlborough; Marlborough and Hudson.

The district court of Natick, held at Natick; Natick, Sherborn, Wayland, and Wellesley.

The district court of Newton, held at Newton; Newton.

The district court of Somerville, held at Somerville; Somerville and Medford.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Nantucket

The district court of Nantucket, held at Nantucket; Nantucket county.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of the above court of this county.

Norfolk

The district court of northern Norfolk, held at Dedham; Dedham, Dover, Norwood, Westwood, Medfield and Needham.

The district court of East Norfolk, held at Quincy; Quincy, Braintree, Cohasset, Weymouth, Holbrook, Randolph and Milton; and, in criminal cases, concurrently with the second district court of Plymouth, that part of Scituate described in chapter three hundred and ninety-four of the acts of nineteen hundred and twelve. Arrests and service of process in such cases may be made by an officer qualified to serve criminal process in Cohasset. This provision shall not increase the judicial district of said court of the purposes of section seventy-eight.

The district court of southern Norfolk, held at Stoughton; Stoughton, Avon, Canton and Sharon.

The district court of Western Norfolk, held at Wrentham; Franklin, Walpole, Foxborough, Medway, Millis, Norfolk, Wrentham and Plainville.

The municipal court of Brookline, held at Brookline; Brookline.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Plymouth

The second district court of Plymouth, held at Hingham; Hingham, Rockland, Hull, Hanover, Scituate and Norwell.

The third district court of Plymouth, held at Plymouth; Plymouth, Kingston, Plympton, Pembroke, Duxbury, Halifax, Hanson and Marshfield.

The fourth district court of Plymouth, held at Wareham; Middleborough, Wareham, Lakeville, Marion, Mattapoisett, Rochester and Carver.

The district court of Brockton, held at Brockton; Brockton, Bridgewater, East Bridgewater, Whitman, Abington and West Bridgewater. Said court may adjourn to the

Massachusetts correction institution at Bridgewater, whenever the public convenience seems to the first justice to render such adjournment expedient.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Suffolk

The central division of the Boston municipal court department, held at Boston; wards six, seven, eight, nine, ten, eleven, twelve, sixteen, seventeen and eighteen of Boston as they existed on February first, eighteen hundred and eighty-two; and in criminal cases, concurrently with the Roxbury and Brighton divisions of the Boston municipal court department, the second and third district courts of eastern Middlesex, and the district court of Newton, respectively, so much of the Charles river basin, as defined in section two of chapter five hundred and twenty-four of the acts of nineteen hundred and nine, as affected by chapter two hundred and forty-five of the General Acts of nineteen hundred and sixteen as is within the districts of said courts.

The Brighton division of the Boston Municipal court department, held at Brighton in Boston; ward twenty-five of Boston as it existed on February first, eighteen hundred and eighty-two.

The Charlestown division of the Boston municipal court held at Charlestown in Boston: wards three, four and five of Boston as they existed on February first, eighteen hundred and eighty-two; provided that in criminal matters said court shall have exclusive jurisdiction in that part of said wards which is under the care, custody and control of the lower basin division of the metropolitan district commission and in so much of the Charles river basin, as defined in section two of chapter five hundred and twenty-four of the acts of nineteen hundred and nine as affected by chapter two hundred and forty-five of the General Acts of nineteen hundred and sixteen as is within the district of said court.

The district court of Chelsea, held at Chelsea; Chelsea, and Revere.

The Dorchester division of the Boston municipal court department, held at Dorchester in Boston; ward twenty-four of Boston as it existed on February first, eighteen hundred and eighty-two, and the territory comprised within the limits of precinct twelve of ward thirteen of Boston as it existed on November second, nineteen hundred and forty-eight.

The East Boston division of the Boston municipal court department, held at East Boston in Boston; Winthrop and wards one and two of Boston as they existed on March first, eighteen hundred and eighty-six; provided that said court shall have territorial jurisdiction in matters that arise in the Sumner tunnel, so-called, and Lieutenant William F. Callahan, Jr. tunnel, including any property, toll plazas and approach roads thereto under the ownership, care, custody and control to the Massachusetts Turnpike Authority as

provided by chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight.

The Roxbury division of the Boston municipal court, held at Roxbury in Boston; wards nineteen, twenty, twenty-one and twenty-two of Boston as they existed on February first, eighteen hundred and eighty-two, excepting ward ten, save as hereinafter provided, as it existed on February first, nineteen hundred and seventy-six; provided, however, that, notwithstanding any other provision of law, said court shall have jurisdiction over matters arising in precincts one, six and seven of ward ten.

The South Boston division of the Boston municipal court held at South Boston in Boston; wards thirteen, fourteen and fifteen of Boston as they existed on February first, eighteen hundred and eighty-two.

The West Roxbury division of the Boston municipal court, held at West Roxbury in Boston; ward twenty-three of Boston as it existed on February first, eighteen hundred and eighty-two, the territory comprised within the limits of the former town of Hyde Park which was annexed to Boston by chapters four hundred and sixty-nine and five hundred and eighty-three of the acts of nineteen hundred and eleven, and ward ten, except precincts one, six and seven of said ward ten, as existing on February first, nineteen hundred and seventy-six.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county. The juvenile court located in the city of Boston, heretofore known as the Boston juvenile court, shall have territorial jurisdiction provided in section fifty-seven, and with respect to children in Suffolk county, shall have exclusive jurisdiction of petitions brought under said sections twenty-four and thirty-nine E of said chapter one hundred and nineteen.

Worcester

The central district court of Worcester, held at Worcester; Worcester and Auburn.

The first district court of northern Worcester, held at Gardner; Gardner, Petersham, Hubbardston and Westminster.

The first district court of eastern Worcester, held at Westborough and Grafton; Westborough, Grafton, Southborough, Northborough and Shrewsbury.

The second district court of eastern Worcester, held at Clinton; Clinton, Berlin, Bolton, Boylston, Harvard, Lancaster, Sterling, and West Boylston.

The first district court of southern Worcester, held at Southbridge and Webster; Southbridge, Webster, Sturbridge, Charlton, Dudley and Oxford.

The second district court of southern Worcester, held at Uxbridge; Uxbridge, Blackstone, Douglas, Northbridge, Millville, Sutton and Millbury.

The third district court of Southern Worcester, held at Milford; Milford, Mendon, Upton, Bellingham and Hopedale.

The district court of western Worcester, held at North Brookfield; East Brookfield, Brookfield, Spencer, North Brookfield, West Brookfield, Warren, Hardwick, Leicester, New Braintree, Barre, Oakham, Paxton and Rutland. Said court may adjourn to any town within its district other than North Brookfield whenever the public convenience seems to the presiding justice to render such adjournment expedient.

The district court of Fitchburg, held at Fitchburg; Fitchburg and Lunenburg.

The district court of Leominster, held at Leominster; Leominster, Holden and Princeton.

The district court at Winchendon, held at Winchendon; Winchendon, Ashburnham, Phillipston, Royalston and Templeton.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Each division of the district court department may be referred to by the name of the principal place for the holding of said court.

District court of Barnstable, held at Falmouth; Mashpee, Falmouth and Bourne. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Berkshire

The district court of northern Berkshire, held at Adams, North Adams and Williamstown; Adams, North Adams, Williamstown, Clarksburg, Florida, New Ashford, Cheshire, Savoy, Hancock, and Windsor; the district court of central Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of central Berkshire, held at Pittsfield; Pittsfield, Hancock, Lanesborough, Peru, Hingsdale, Dalton, Washington, Richmond, Lenox, Becket and Windsor; the district court of southern Berkshire exercising concurrent jurisdiction in Lenox and Becket; and the district court of northern Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of southern Berkshire, held at Great Barrington and Lee; Sheffield, Great Barrington, Egremont, Alford, Mount Washington, Monterey, New Marlborough, Stockbridge, West Stockbridge, Sandisfield, Lee, Tyringham, Otis, Lenox, Becket; the district court of central Berkshire exercising concurrent jurisdiction in Lenox and Becket.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Bristol

The first district court of Bristol, held at Taunton; Taunton, Rehoboth, Berkley, Dighton, Seekonk, Easton and Raynham.

The second district court of Bristol, held at Fall River; Fall River, Somerset, Swansea, Freetown and Westport; the third district court of Bristol exercising concurrent jurisdiction in Freetown and Westport.

The third district court of Bristol, held at New Bedford; New Bedford, Fairhaven, Acushnet, Dartmouth, Freetown and Westport; the second district court of Bristol exercising concurrent jurisdiction in Freetown and Westport.

The fourth district court of Bristol, held at Attleboro; Attleboro, North Attleborough, Mansfield and Norton. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Dukes County

The district court of Dukes County, held at Oak Bluffs, Edgartown and Tisbury; Dukes County.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of the above court of this county.

Essex

The first district court of Essex, held at Salem; Salem, Beverly, Danvers, Middleton and Manchester-by-the-Sea.

The second district of Essex, held at Ipswich; Ipswich, Hamilton, Topsfield and Wenham.

The central district court of northern Essex, held at Haverhill; Haverhill, Groveland, Georgetown, Boxford, and West Newbury; the district court of Newburyport exercising concurrent jurisdiction in West Newbury.

The district court of eastern Essex, held at Gloucester; Gloucester, Rockport, and Essex.

The district court of southern Essex, held at Lynn; Lynn, Swampscott, Saugus, Marblehead and Nahant.

The district court of Lawrence, held at Lawrence and Methuen; Lawrence, Andover, North Andover and Methuen.

The district court of Newburyport, held at Newburyport; Amesbury, Merrimac, Newbury, Newburyport, Rowley, Salisbury and West Newbury; the central district court of northern Essex exercising concurrent jurisdiction in West Newbury.

The district court of Peabody, held at Peabody; Peabody, and Lynnfield.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Franklin

The district court of Franklin, held at Greenfield, Franklin county, except Orange, Erving, Warwick, Wendell, Leverett, Montague, Shutesbury, and New Salem. Sessions may also be held at Shelburne Falls in Shelburne and Buckland at such times and places as the justice of said court may determine.

The district court of eastern Franklin, held at Orange; Athol, Orange, Erving, Warwick, Wendell, Leverett, Montague, Shutesbury, and New Salem. Said court shall be held in Athol at least one day each week of the year. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Hampden

The district court of eastern Hampden held at Palmer; Palmer, Brimfield, Hampden, Monson, Holland, Wales, Wilbraham, Ludlow and East Longmeadow.

The district court of western Hampden, held at Westfield and Chester; Westfield, Chester, Granville, Southwick, Russell, Blandford, Tolland, Montgomery and Agawam.

The district court of Chicopee, held at Chicopee; Chicopee.

The district court of Holyoke, held at Holyoke; Holyoke.

The district court of Springfield held at Springfield; Springfield, West Springfield and Longmeadow.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Hampshire

The district court of Hampshire, held at Northampton, Cummington, Huntington, and Easthampton; Hampshire county, except Amherst, Belchertown, Granby, Hadley, South Hadley, Pelham, Ware, and any violation of law committed on the land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

The district court of eastern Hampshire, held at Belchertown, Amherst, Granby, Hadley, South Hadley, Pelham, Ware, and any violation of law committed on the land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Middlesex

The district court of central Middlesex held at Concord; Concord, Acton, Bedford, Carlisle, Lincoln, Maynard, Stow, Billerica and Lexington.

The first district court of northern Middlesex, held at Ayer; Ayer, Dunstable, Groton, Pepperell, Townsend, Ashby, Shirley, Westford, Littleton and Boxborough, and the Devens Regional Enterprise Zone.

The first district court of eastern Middlesex, held at Malden; Malden, Wakefield, Melrose and Everett.

The second district court of eastern Middlesex, held at Waltham; Waltham and Watertown.

The third district court of eastern Middlesex, held at Cambridge; Cambridge, Arlington and Belmont.

The fourth district court of eastern Middlesex, held at Woburn; Woburn, Winchester, Burlington, Wilmington, Stoneham, Reading and North Reading.

The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, Sudbury, and Hopkinton.

The district court of Lowell, held at Lowell; Lowell, Tewksbury, Dracut, Chelmsford and Tyngsborough.

The district court of Marlborough, held at Marlborough; Marlborough and Hudson.

The district court of Natick, held at Natick; Natick, Sherborn, Wayland, Weston and Wellesley.

The district court of Newton, held at Newton; Newton.

The district court of Somerville, held at Somerville; Somerville and Medford.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Nantucket

The district court of Nantucket, held at Nantucket; Nantucket county.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of the above court of this county.

Norfolk

The district court of northern Norfolk, held at Dedham; Dedham, Dover, Norwood, Westwood, Medfield and Needham.

The district court of East Norfolk, held at Quincy; Quincy, Braintree, Cohasset, Weymouth, Holbrook and Milton; and, in criminal cases, concurrently with the second district court of Plymouth, that part of Scituate described in chapter three hundred and ninety-four of the acts of nineteen hundred and twelve. Arrests and service of process in such cases may be made by an officer qualified to serve criminal process in Cohasset. This provision shall not increase the judicial district of said court of the purposes of section seventy-eight.

The district court of southern Norfolk, held at Stoughton; Stoughton, Avon, Canton, Randolph and Sharon.

The district court of Western Norfolk, held at Wrentham; Franklin, Walpole, Foxborough, Medway, Millis, Norfolk, Wrentham and Plainville.

The municipal court of Brookline, held at Brookline; Brookline.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Plymouth

The second district court of Plymouth, held at Hingham; Hingham, Rockland, Hull, Hanover, Scituate and Norwell.

The third district court of Plymouth, held at Plymouth; Plymouth, Kingston, Plympton, Pembroke, Duxbury, Halifax, Hanson and Marshfield.

The fourth district court of Plymouth, held at Wareham; Middleborough, Wareham, Lakeville, Marion, Mattapoisett, Rochester and Carver.

The district court of Brockton, held at Brockton; Brockton, Bridgewater, East Bridgewater, Whitman, Abington and West Bridgewater. Said court may adjourn to the Massachusetts correction institution at Bridgewater, whenever the public convenience seems to the first justice to render such adjournment expedient.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Suffolk

The central division of the Boston municipal court department, held at Boston; wards six, seven, eight, nine, ten, eleven, twelve, sixteen, seventeen and eighteen of Boston as they existed on February first, eighteen hundred and eighty-two; and in criminal cases, concurrently with the Roxbury and Brighton divisions of the Boston municipal court department, the second and third district courts of eastern Middlesex, and the district court of Newton, respectively, so much of the Charles river basin, as defined in section two of chapter five hundred and twenty-four of the acts of nineteen hundred and nine, as affected by chapter two hundred and forty-five of the General Acts of nineteen hundred and sixteen as is within the districts of said courts.

The Brighton division of the Boston municipal court department, held at Brighton in Boston; ward twenty-five of Boston as it existed on February first, eighteen hundred and eighty-two.

The Charlestown division of the Boston municipal court held at Charlestown in Boston; wards three, four and five of Boston as they existed on February first, eighteen hundred and eighty-two; provided that in criminal matters said court shall have exclusive jurisdiction in that part of said wards which is under the care, custody and control of the lower basin division of the metropolitan district commission and in so much of the Charles river basin, as defined in section two of chapter five hundred and

twenty-four of the acts of nineteen hundred and nine as affected by chapter two hundred and forty-five of the General Acts, or nineteen hundred and sixteen as is within the district of said court.

The district court of Chelsea, held at Chelsea; Chelsea and Revere.

The Dorchester division of the Boston municipal court department, held at Dorchester in Boston; ward twenty-four of Boston as it existed on February first, eighteen hundred and eighty-two, and the territory comprised within the limits of precinct twelve of ward thirteen of Boston as it existed on November second, nineteen hundred and forty-eight.

The East Boston division of the Boston municipal court department, held at East Boston in Boston; Winthrop and wards one and two of Boston as they existed on March first, eighteen hundred and eighty-six; provided that said court shall have territorial jurisdiction in matters that arise in the Sumner tunnel, so-called, and Lieutenant William F. Callahan, Jr. tunnel, including any property, toll plazas and approach roads thereto under the ownership, care, custody and control to the Massachusetts Turnpike Authority as provided by chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight.

The Roxbury division of the Boston municipal court, held at Roxbury in Boston; wards nineteen, twenty, twenty-one and twenty-two of Boston as they existed on February first, eighteen hundred and eighty-two, excepting ward ten, save as hereinafter provided, as it existed on February first, nineteen hundred and seventy-six; provided, however, that, notwithstanding any other provision of law, said court shall have jurisdiction over matters arising in precincts one, six and seven of ward ten.

The South Boston division of the Boston municipal court held at South Boston in Boston; wards thirteen, fourteen and fifteen of Boston as they existed on February first, eighteen hundred and eighty-two.

The West Roxbury division of the Boston municipal court, held at West Roxbury in Boston; ward twenty-three of Boston as it existed on February first, eighteen hundred and eighty-two, the territory comprised within the limits of the former town of Hyde Park which was annexed to Boston by chapters four hundred and sixty-nine and five hundred and eighty-three of the acts of nineteen hundred and eleven, and ward ten, except precincts one, six and seven of said ward ten, as existing on February first, nineteen hundred and seventy-six.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county. The juvenile court located in the city of Boston, heretofore known as the Boston juvenile court, shall have territorial jurisdiction provided in section fifty-seven, and with respect to children in Suffolk county, shall have exclusive jurisdiction of petitions brought under said sections twenty-four and thirty-nine E of said chapter one hundred and nineteen.

Worcester

The central district court of Worcester, held at Worcester; Worcester and Auburn.

The first district court of northern Worcester, held at Gardner; Gardner, Petersham, Hubbardston and Westminster.

The first district court of eastern Worcester, held at Westborough and Grafton; Westborough, Grafton, Southborough, Northborough and Shrewsbury.

The second district court of eastern Worcester, held at Clinton; Clinton, Berlin, Bolton, Boylston, Harvard, Lancaster, Sterling, West Boylston and Holden.

The first district court of southern Worcester, held at Southbridge and Webster; Southbridge, Webster, Sturbridge, Charlton, Dudley and Oxford.

The second district court of southern Worcester, held at Uxbridge; Uxbridge, Blackstone, Douglas, Northbridge, Millville, Sutton and Millbury.

The third district court of Southern Worcester, held at Milford; Milford, Mendon, Upton, Bellingham and Hopdale.

The district court of western Worcester, held at North Brookfield; East Brookfield, Brookfield, Spencer, North Brookfield, West Brookfield, Warren, Hardwick, Leicester, New Braintree, Barre, Oakham, Paxton and Rutland. Said court may adjourn to any town within its district other than North Brookfield whenever the public convenience seems to the presiding justice to render such adjournment expedient.

The district court of Fitchburg, held at Fitchburg; Fitchburg and Lunenburg.

The district court of Leominster, held at Leominster; Leominster and Princeton.

The district court at Winchendon, held at Winchendon; Winchendon, Ashburnham, Phillipston, Royalston and Templeton.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Each division of the district court department may be referred to by the name of the principal place for the holding of said court.

(inclusive)
SECTION 342. Section 3 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 through 3, the words "The municipal court of the city of Boston, the municipal court of the Charlestown district and the municipal court of the South Boston district, and the East Boston district court" and inserting in the place thereof the following words:— *The central, Charlestown, South Boston, and East Boston divisions of the Boston municipal court department.*

SECTION 343. Section 6 of said chapter 218 of the General Laws, *as so appearing,* *of 2004,* is hereby amended by striking out, in line 7, the words "Dorchester district". *the municipal court of the*

SECTION 344. Said section 6 of said chapter 218 of the General Laws, as so appearing, is further amended by striking out, in lines 9 and 10, the words "the municipal court of the Roxbury district".

SECTION 345. Said section 6 of said chapter 218 of the General Laws, as so appearing, is further amended by striking out, in line 26, the figure "177" and inserting in the place thereof the following figure:—158. *In the 2000 Official Edition* *the first sentence*

SECTION 346. Section 8 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the first sentence and inserting in the place thereof the following sentence:— Each district court and each division of

the Boston municipal court department shall have a clerk, except that the central division of the Boston municipal court department shall have two clerks as provided in section 53.

SECTION 347. Section 9 of said chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph: ~~In the case of the absence, death or removal of a clerk of a court of the Boston municipal court department, the chief justice of the Boston municipal department may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled.~~

SECTION 348. ~~Section 10 of said chapter 218 of the General Laws, as so appearing is hereby amended by striking out lines 53 through 56.~~ *the fourth paragraph of the line reading "municipal court of the Brighton district,"* *"East Boston district court," "municipal court of South Boston district," and*

SECTION 349. ~~Said section 10 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by striking out line 84.~~ *the line reading "municipal court of the Dorchester district,"* *eight paragraph of said*

SECTION 350. ~~Said section 10 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by striking out line 86.~~ *the line reading "district court of West Roxbury district,"*

SECTION 351. ~~Said section 10 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by striking out lines 95 through 99.~~ *the eleventh and twelfth paragraphs.*

SECTION 352. ~~Said section 10 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by striking out line 128.~~ *the line reading "municipal court of the Dorchester district,"* *fifteenth paragraph of said*

SECTION 353. ~~Said section 10 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by striking out line 135.~~ *the line reading "district court of Brighton,"*

SECTION 354. Section 10A of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking, in lines 1 and 2, the words ~~"the municipal court of the city of Boston"~~ and inserting in the place thereof the following words:—~~the~~ central division of the Boston municipal court department.

SECTION 355. ~~Section 11 of said chapter 218 of the General Laws, as so appearing, is hereby amended by inserting, in line 2, after the word "department" the following words:— and the Boston municipal court department.~~

SECTION 356. ~~Section 22 of said chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "ten dollars for claims of five hundred dollars or less and fifteen dollars for claims of greater than five hundred dollars," and inserting in place thereof the following words:— "\$20 for claims of \$500 or less and \$30 for claims of greater than \$500".~~

SECTION 357. Section 26 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the following words ~~"the municipal court of the city of Boston"~~ and inserting in the place thereof the following words:—divisions of the Boston municipal court department.

SECTION 358. ~~Section 38 of said chapter 218 of the General Laws, as so appearing, is hereby amended by inserting, in line 1, after the words "district courts" the following words:— and Boston municipal court divisions.~~

SECTION 359. ~~Said section 38 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by inserting, in line 10, after the words "district courts" the following words:—and Boston municipal court divisions.~~

SECTION 360. Section 39 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ~~"except the municipal court of the city of Boston"~~ and inserting in the place thereof the following words:—~~except the~~ central division of the Boston municipal court department.

SECTION 361. Section 40 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words ~~"municipal court of the city of Boston"~~ and inserting in place thereof the following words:— Boston municipal court department.

SECTION 362. ~~Said section 40 of said section 218 of the General Laws, as so appearing, is hereby further amended by striking out, in line 10, the words "municipal court of the city of Boston" and inserting in the place thereof the following words:— central division of the Boston municipal court department.~~

Section 363
SECTION 363. Section 47 of chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "the municipal court of the city of Boston" and inserting in the place thereof the following words:— Boston municipal court department.

Section 364
SECTION 364. Section 48 of chapter 218 of the General Laws, as so appearing, is amended by striking out, in lines 1 and 2, the words "for the East Boston district court," and inserting in the place thereof the following words:—

Section 365
SECTION 365. Section 49 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "the municipal court of the city of Boston, and in the East Boston district court" and inserting in the place thereof the following words:— Central division of the Boston municipal court department, and in the East Boston division of the Boston municipal court department.

Section 366
SECTION 366. Section 50 of said chapter of the General Laws, as so appearing, is amended by striking out, in line 2, the word "eleven" and inserting in the place thereof the following:— 30.

Section 367
SECTION 367. Section 51A of said chapter 218, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

The chief justice of the Boston municipal court department shall have the power to appoint the first justice of each of the various divisions within the Boston municipal court department, subject to the approval of the chief justice for administration and management, and to define his duties; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a five-year term and shall be eligible to be reappointed for additional five-year terms at that particular court. Any first justice may be removed from his position as first justice, when it is determined by the chief justice of the district court department to be in the best interests of the administration of justice. Any first justice who is removed from his position as first justice by the chief justice of the district court department may appeal such removal to the chief justice for administration and management.

Section 368
SECTION 368. Section 53 of chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, in line 1, before the word "Boston" the following words:— central division of the.

Section 369
SECTION 369. Said section 53 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by inserting after the fifth paragraph the following text:—

- Four assistant clerks with salaries payable by the commonwealth may be appointed in:
 - Brighton division of the Boston municipal court department;
 - East Boston division of the Boston municipal court department;
 - South Boston division of the Boston municipal court department;
 - Charlestown division of the Boston municipal court department.
- Eight assistant clerks with salaries payable by the commonwealth may be appointed in:
 - Dorchester division of the Boston municipal court department;
 - West Roxbury division of the Boston municipal court department.
- Twelve assistant clerks with salaries payable by the commonwealth may be appointed in:
 - Roxbury division of the Boston municipal court department.
- One of the 12 assistant clerks for the Roxbury division of the Boston municipal court department shall be appointed for juvenile sessions.
- In the following courts, one of the assistant clerks shall be designated in charge of six-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management:
 - Dorchester division of the Boston municipal court department.

Section 370
SECTION 370. Chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 53A and inserting in the place thereof the following section:—

Section 53A. In case of the absence, death or removal of a salaried assistant clerk of any of the 8 divisions of the Boston municipal court department, the clerk of said court, may, subject to the approval of the chief justice, appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.

Section 371
SECTION 371. Section 54 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "said court" and inserting in the place thereof the following words:— central division of the Boston municipal court department.

Section 372
SECTION 372. Section 57 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out the paragraphs following the caption "Suffolk" and inserting in the place thereof the following paragraphs:—

- held at the Dorchester division of the Boston municipal court department, within the same territorial limits as are prescribed for the criminal jurisdiction of the Dorchester division of the Boston municipal court, as the chief justice of the juvenile court department may determine.

held at the West Roxbury division of the Boston municipal court, within the same territorial limits as are prescribed for the criminal jurisdiction of the West Roxbury division of the Boston municipal court department, as the chief justice of the juvenile court department may determine.

held at Boston, within the same territorial limits as are prescribed for the criminal jurisdiction of the central division of the Boston municipal court department,
the Roxbury division of the Boston municipal court department, as the chief justice of the juvenile court department may determine,
the Brighton division of the Boston municipal court department,
the Charlestown division of the Boston municipal court department,
the East Boston division of the Boston municipal court department,
the Chelsea division of the district court department;
and the South Boston division of the Boston municipal court department,
as the chief justice of the juvenile court department may determine.

SECTION 373. Section 66 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "municipal court of the city of Boston" and inserting in the place thereof the following words:— Boston municipal court department.

SECTION 374. Section 68 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "district court" and inserting in the place thereof the following words:— division of the Boston municipal court department.

SECTION 375. Section 70 of said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "for civil business and for criminal business".

SECTION 376. Chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 75B and inserting in the place thereof the following section:—

Section 75B. The salaries of the first assistant clerks of the central division of the Boston municipal court department and the first assistant clerk designated in charge of twelve man jury sessions of said court for criminal business shall be equal to eighty-three and one-half percent of the salary of the clerks of said court as provided for in section 53.

SECTION 377. Said chapter 218 of the General Laws, as so appearing, is hereby amended by striking out section 80A and inserting in the place thereof the following section:—

Section 80A. The secretary and assistant secretary to the justices of the Boston municipal court department shall receive from the commonwealth in full for all services performed by them such salaries as shall be fixed by the justices of said department.

SECTION 378. Section 62B of chapter 221 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 5, the words "municipal court of the city of Boston" and inserting in the place thereof the following words:— Boston municipal court department.

SECTION 379. Section 36 of chapter 221 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the last sentence and inserting in the place thereof the following sentence:—

The expenses of said board, as certified by its chairman and approved by the clerk of the supreme judicial court for Suffolk county, shall be paid by the commonwealth, together with such compensation to each member as the clerk of the supreme judicial court for Suffolk county approves.

SECTION 380. Section 37 of said chapter 221, as most recently amended by chapter 184 of the acts of 2002, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentences:—

A petitioner to be examined for admission shall pay to the clerk of the court in which his petition is filed a fee of \$800 upon the entry of his petition and a further fee of \$800 upon the entry of any subsequent petition. A member of the bar of any other state who applies to be admitted without examination shall pay to the clerk of the court in which his petition is filed a fee of \$1,000. Any person who requests to have their bar examination scores transferred to another jurisdiction shall pay a fee of \$25 for each transfer. If the board determines to allow petitioners for examination to use approved computers in connection with any portion of the examination, petitioners who use such computers shall pay a fee of \$75 for such use.

SECTION 381. Chapter 262 of the General Laws, as most recently amended by chapter 184 of the acts of 2002, is hereby amended by striking out section 2 and inserting in place thereof the following section:—

Chapter 262: Section 2. Clerks of district and Boston municipal court departments in civil actions.—
The fees of the clerks of the district and Boston municipal court departments of the trial court in civil actions, shall be as follows:

For the entry of a complaint, third-party complaint, petition or other action, and for the filing of a motion to intervene as plaintiff, \$180.

For the entry of supplementary proceedings under 224, \$30, which, together with the fees of witnesses and officers in such proceedings, shall be allowed the creditor as costs.

For the entry of a claim of trial by the superior court under section 104 of chapter 231, \$180.

For approving or disapproving by the court of sureties on bonds or recognizances, except bonds given for removal of actions to the superior court, \$60.

For the entry of a civil appeal in the appellate division of the district court department, \$180.

Notwithstanding the foregoing, for the entry of a complaint, petition, appeal or other action or removal from the district court by the commonwealth, no fee shall be paid; but, if the commonwealth prevails in the action, the fee shall be taxed against the other party,

Failure to pay the fees established by this section within the time period established by this section shall also subject the suit or petition to an order of dismissal entered by the appropriate justice of the district court or Boston municipal court department following the provision of 30 days notice of such impending dismissal to the parties who initiated such suit or petition.

Section 382
SECTION 382. Chapter 262 of the General Laws, as most recently amended by chapter 184 of the acts of 2002, is hereby amended by inserting after section 2 the following new section:—

Section 2A. The clerks of the district and Boston municipal court departments shall assess a \$90 fee on each civil suit or petition that is without final disposition one year following the commencement of said suit or petition and in each year thereafter that such suit or petition remains without such final disposition. Said fee shall be assessed on the anniversary date of said suit or petition's original filing and shall be paid to the court no later than 45 days following said anniversary. Failure to pay said fee in such a timely fashion shall subject said suit or petition to the assessment of an additional late fee of \$10 that shall be assessed each month until said \$120 is paid to the court. Said clerks shall post a notice of the requirement to pay such a fee in a place of high visibility within their respective courts.

Section 383
SECTION 383. Said chapter 262, as most recently amended by chapter 184 of the acts of 2002, is hereby amended by striking out section 4 and inserting in place thereof the following section:—

Chapter 262: Section 4, Clerks of supreme judicial, county and appeals courts.

The fees of the clerks of the supreme judicial court for the commonwealth and for each of the counties and for the appeals court shall be as follows:

For the entry of a complaint, petition, appeal or other action, \$300.

For the filing of an application for further appellate review, \$270.

For the issuance of an injunction or restraining order, \$90.

Notwithstanding the foregoing, for the entry of an appeal, petition, complaint or other action and for the filing of an application for further appellate review by the commonwealth, no fee shall be paid and no fee shall be charged to the commonwealth for the issuance of an injunction or restraining order; but if the commonwealth prevails in the action, the fees shall be taxed against the other party.

Section 384
SECTION 384. Said chapter 262, as most recently amended by chapter 184 of the acts of 2002, is hereby amended by striking out section 4A and inserting in place thereof the following section:—

Chapter 262: Section 4A, Clerks of superior court department.

The fees of clerks of court of the superior court department of the trial court shall be as follows:

For the entry in the superior court department of the trial court of a complaint, third-party complaint, petition or other action, and for the filing of a motion to intervene as plaintiff, \$240.

For the filing of a petition to the county commissioners, \$30, except that no fee shall be required from a municipality filing a petition to the county commissioners for the county in which it is located.

For the issuance of an injunction or restraining order, \$90.

The clerk shall collect, for every civil case, a \$20 security fee.

Notwithstanding the foregoing, for the entry of a complaint, petition or other action by the commonwealth no fee shall be paid and no fee shall be charged to the commonwealth for the issuance of an injunction or restraining order; but, if the commonwealth prevails in the action, the fees shall be taxed against the other party.

SECTION 385. Section 4C of said chapter 262, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words "ten dollars" and inserting in place thereof the following figure:— \$15.

SECTION 386. Said Section 4C of said chapter 262, as so appearing, is hereby further amended by striking out, in line 6, the words "four dollars" and inserting in place thereof the following figure:— \$10.

Section 387
SECTION 387. Chapter 262 of the General Laws, as most recently amended by chapter 184 of the acts of 2002, is hereby amended by inserting after section 4C the following new section:—

Section 4D. The clerks of court of the superior court department of the trial court shall assess a \$120 fee on each civil suit or petition that is without final disposition one year following the commencement of said suit or petition and in each year thereafter that such suit or petition remains without such final disposition. Said fee shall be assessed on the anniversary date of said suit or petition's original filing and shall be paid to the court no later than 45 days following said anniversary. Failure to pay said fee in such a timely fashion shall subject said suit or petition to the assessment of an additional late fee of \$10 that shall be assessed each month until said \$120 is paid to the court. Said clerks shall post a notice of the requirement to pay such a fee in a place of high visibility within their respective courts.

Section 388
SECTION 388. Section 8 of said chapter 262, as appearing in the 2000 Official Edition, is hereby amended by striking it out entirely and inserting in place thereof the following:—

Section 8. The fees of sheriffs, deputy sheriffs and constables shall be as follows:

A. For the service of civil process:

(1) For service of an original summons, trustee process, subpoena or scire facias, either by reading it or by leaving a copy thereof, \$20 for each defendant upon whom service is made, except as herein otherwise provided.

(2) For service of an original summons and complaint for divorce or for any other service required to be served in hand, \$30 for each defendant upon whom service is made.

(3) For attestation of each copy of a writ, precept or process, except, as herein otherwise provided, \$5.

(4) If the officer by the direction of the plaintiff or his attorney makes a special service of a writ or precept, either by attaching personal property or arresting the body, he shall be entitled to \$2 for each defendant upon whom the writ is so served, and \$8 additional for custody of the body arrested, and at the same rate for each day during which he has such custody. If the officer employs an assistant in the arrest of the body, he shall be entitled to \$5 a day for such assistant.

(5) For the custody of personal property attached, replevied or taken on execution, not more than \$50 for each day of not more than eight hours for the keeper while he is in charge, and not more than \$20 a day for the officer for a period not longer than ten days; but the officer may be allowed a greater compensation for himself or his keeper, or

compensation for a longer period, by the consent of the plaintiff, or by order of the court upon a hearing. He shall also be entitled to expenses for packing, labor, teaming, storage and taking and preparing a schedule of property attached, replevied or taken on execution, if he certifies that such expenses were necessary and are reasonable.

(6) For an attachment on mesne process of land or of any leasehold estate, \$20 for each defendant against whom an attachment is made, 32 cents a mile each way for travel from the place of service to the registry, and his fee for the copy deposited in the registry of deeds or land court, together with the recording fees actually paid.

(7) For a special attachment of real estate, \$10 additional for each person against whom an attachment is made.

(8) For the service of a writ of replevin: for seizure of property, \$10 for each defendant; securing and swearing appraisers, \$4, and the actual amount paid to appraisers, as hereinafter provided; examining and approving sureties, \$5; delivery of property replevied, \$5; for each service, \$5 for each copy, at the rate hereinbefore provided for copies of writs, precepts or other processes.

(9) For a levy on real estate:

(a) For preparing and serving notice of sale, a fee not to exceed \$50, plus travel.

(b) For posting notices of sale, \$20, plus travel.

(c) The necessary expenses of advertising.

(d) For the sale of land or of any leasehold estate, \$20.

(e) For preparing, executing and acknowledging deed, \$25.

(f) For travel, 32 cents a mile each way from the place where he receives the execution to the office of the register of deeds, and his fee for the copy.

(10) For a sale of personal property on mesne process or on execution the following:

(a) For service of a copy of notice to appoint appraisers, \$8 for each person upon whom service is made.

(b) The necessary expenses of taking and preparing a schedule of property proposed to be sold.

(c) For attendance upon and swearing appraisers, \$10.

(d) The amount actually paid to appraisers as hereinafter provided.

(e) For preparing and posting notice of a proposed sale, \$10, plus travel.

(f) The necessary expenses of keeper, labor and advertising.

(g) For custody of property, \$10 a day.

(h) For services as auctioneer, or for services of an auctioneer in selling property, a fair and reasonable amount.

(i) If the sale is made on execution, poundage may be charged as hereinafter provided.

(j) The fair compensation for the services of an appraiser shall not be more than \$30 for each day's service, but the officer may be allowed a greater compensation for the appraisers by an order of the court.

(k) For each adjournment of sale of real or personal property, \$10.

(11) For taking bail and furnishing and writing the bail bond, \$2, which shall be paid by the defendant, and taxed in his bill of costs, if he prevails.

(12) For serving an execution in a personal action by copy and demand on debtor or on trustee, \$10 and travel, if the execution is not collected in whole or in part; for serving an execution in a personal action, and collecting damages or costs on an execution, warrant of distress or other like process, for an amount not exceeding \$100, 10 cents for every dollar; all above \$100, and not exceeding \$500, 5 cents for every dollar; and all above \$500, 2 cents for every dollar; but such percentage shall be allowed only upon the amount actually collected. A levy of the execution upon his body shall be considered, so far as the fees of the officer are material, a full satisfaction of the execution if the debtor has recognized with surety or sureties as required by law.

(13) For serving a writ of seisin or possession in a real action, \$15 for each parcel.

(14) For serving an execution upon a judgment for partition, or for assignment of dower or curtesy, \$2 per day.

(15) For serving a writ of capias, a writ of habeas corpus, a writ of ne exeat, or other process of civil arrest in a civil proceeding, \$50, plus, upon consent of the plaintiff or upon order of the court, a greater compensation which may include the services of an assistant if necessary, plus travel.

(16) For serving a venire or notice to jurors for attendance upon any court, civil or criminal, \$10 for each person upon whom service is made.

(17) For summoning witnesses, \$20 for each person upon whom service is made, and \$2 for each copy served, together with the fee paid to the witness.

(18) For dispersing treasurer's process warrants and proclamations of all kinds, \$4 each.

(19) For travel in the service of original writs, executions, warrants, summonses, subpoenas, notices and other processes, 32 cents a mile each way, to be computed from the place of service to the court or place of return; and if the same precept, or process is served upon more than one person, the travel shall be computed from the most remote place of service, with such further travel as was necessary in serving it; if the distance from the place of service to the place of return exceeds twenty and does not exceed fifty miles, 32 cents a mile one way only shall be allowed for all travel exceeding twenty miles, and, if it exceeds fifty miles, only 6 cents a mile one way shall be allowed for all travel exceeding that distance.

(20) For travel in the service of venires and notices to jurors, 32 cents a mile for the distance actually traveled.

(21) For posting warrants, for notifying town meetings or for other purposes, \$5 for each copy posted together with 32 cents a mile for the distance actually traveled.

B. For the service of criminal process:

(1) For serving a warrant of capias in a criminal proceeding, \$50, plus, upon consent of the plaintiff or upon order of the court, a greater compensation which may include the services of an assistant if necessary, plus travel, and of a summons upon the defendant, \$20, for each person upon whom the same is served.

(2) For a copy of a mittimus, warrant or other precept required by law in criminal cases, \$5.

(3) For service of a witness, summons or subpoena in criminal cases, \$20 plus travel in the amount of 32 cents a mile each way for a distance of not more than twenty miles, and for any excess over twenty miles, 7 cents a mile each way, and no more. The distance shall be computed from the most remote place of service to the place of return, but upon a subpoena the court shall reduce the fee for travel to a reasonable amount for the service performed if the travel charged has not been actually performed by the officer who made the service.

(4) For service of an order of notice under chapter two hundred and seventy-three A, \$20.

Quoted by statute out of Section 40
SECTION 389. ~~Section 40 of said chapter 262, as most recently amended by Chapter 184 of the Acts of 2002, is hereby repealed and inserting in place thereof the following section:~~ *Section 151 00 further*

~~Section 40. Registers of probate and insolvency; enumeration of fees.~~

Section 40. The fees of registers of the probate and family court department of the trial court, shall be as follows:

For the entry of a complaint for divorce or for affirming or annulling marriage, except as provided hereinafter for an action in equity, \$200.

For the entry of an action for separate support, \$100.

For the entry of a petition for the probate of a will, for administration of the estate of a person deceased intestate, of a petition for administration of goods not already administered, with the will annexed or otherwise, of a petition under section 35 or 36 of chapter 209 by a husband or wife for authority to convey land as if sole, of a petition for partition, of a petition for change of name, of a petition for leave to carry on the business of the deceased, and for the entry of a petition for the appointment of a special administrator, conservator, trustee, receiver of the estate of an absentee, or a guardian except when the petitioner certifies that the ward's estate does not exceed one hundred dollars, \$100.

For filing a representation of insolvency, \$150.

For the entry of a petition for the sale of real or personal estate including sales of real estate subject to vested or contingent remainders and petitions for sale of real estate or removal or a petition for leave to lease real estate, of a petition for specific performance, of a petition for leave to mortgage real estate of a petition in equity except such as relates to separate support, adoption, or the custody or support of minors, of a petition for release of dower or curtesy, of a petition for letters to a foreign guardian, of a petition for leave to compromise, and of a petition for leave to pay debts, except when the petitioner or accountant certifies that the estate does not exceed one thousand dollars in value, \$75.

For the entry of a general petition except such as relate to adoption, or custody or support of minors, \$150.

For the entry of petitions for the removal of a fiduciary, \$100.

For the amendment of record except such as relates to separate support, adoption, or the custody or support of minors, for discharge of surety, for care of burial lot and for erection of a monument, \$60 each.

For new bond and for new inventory, \$75 each.

For filing a statement of voluntary administration, \$100.

For the petition or application for allowance of an account where the gross value accounted for in Schedule A of said account is \$1,000 or less, no fee; where said gross value is more than \$1,000 but less than \$10,000, \$75 a year; provided, however, that the fees shall not exceed \$170, regardless of the time covered by the account; where said gross value is not more than \$100,000 and not less than \$10,000, \$100 for each year or major fraction thereof covered by such account; where said gross value is not more than \$500,000 and not less than \$100,000, \$150 for each year or major fraction thereof covered by such account; where said gross value is more than five hundred thousand dollars and not more than one million dollars, \$200 for each year or major fraction thereof covered by such account; where said gross value is more than one million dollars, \$400 for each year or major fraction thereof covered by such account.

For filing a motion for the framing of jury issues, \$140.

For filing a will for safekeeping, \$56; provided, that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn.

For filing a bond, \$50.

For issuance of an injunction, \$150.

For issuance of a temporary restraining order, \$100.

For entry of an action for the modification of a decree, \$150.

Notwithstanding the provisions of this section, no fee shall be charged for the filing of a complaint to modify a temporary order or final judgment relating to support, maintenance or education of a child nor for the issuance of a temporary restraining order against a spouse related to a complaint for divorce or separate support

single Section
SECTION 390. Section 87A of chapter 276 of the General Laws, as most recently amended by section 13 of chapter 300 of the acts of 2002, is hereby further amended by striking all paragraphs after the first paragraph and inserting in place thereof the following paragraphs:-

The court shall assess upon every person placed on supervised probation, including all persons placed on probation for offenses under section 24 of chapter 90, a monthly probation supervision fee, hereinafter referred to as "probation fee", in the amount of \$60 per month. Said person shall pay said probation fee once each month during such time as said person remains on supervised probation. The court shall assess upon every person placed on administrative supervised probation a monthly administrative probation supervision fee, hereinafter referred to as "administrative probation fee", in the amount of \$20 per month. Said person shall pay said administrative probation fee once each month during such time as said person remains on administrative supervised probation. Notwithstanding the foregoing, said fees shall not be assessed upon any person accused or convicted of a violation of section 1 or 15 of chapter 273, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court may not waive payment of either or both of said fees unless it determines after a hearing and upon written finding that such payment would constitute an undue hardship on said person or his family due to limited income, employment status or any other factor. Following the hearing and upon such written finding that either or both of said fees would cause such undue hardship then: (1) in lieu of payment of said probation fee the court shall require said person to perform unpaid community work service at a public or nonprofit agency or facility, as approved and monitored by the probation department, for not less than one day per month and (2) in lieu of payment of said administrative probation fee the court shall require said person to perform unpaid community work

omit the second, third, fourth and fifth paragraphs

INSERT AT END OF
SECTION 390 ON PAGE 62.

The court shall also assess upon every person placed on supervised probation, including all persons placed on probation for offenses under section 24 of chapter 90, a monthly probationers' victim services surcharge, hereinafter referred to as 'victim services surcharge', in the amount of \$5 per month. Said person shall pay said victim services surcharge once each month during such time as said person remains on supervised probation. The court shall assess upon every person placed on administrative supervised probation a monthly administrative probationer's victim services surcharge, hereinafter referred to as 'administrative victim services surcharge' in the amount of \$1 per month.

Said person shall pay said administrative victim services surcharge once each month during such time as said person remains on administrative supervised probation. Notwithstanding the foregoing, said fees shall not be assessed upon any person accused or convicted of a violation of section 1 or 15 of chapter 273, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court may not waive payment of either or both of said fees unless it has determined, after a hearing and upon written finding, that such payment would constitute an undue hardship on said person or his family due to limited income, employment status or any other factor. Such waiver shall be in effect only during the period of time that said person is unable to pay his monthly probation fee.

Said probation fee shall be collected by the several probation offices of the trial court and shall be transmitted to the state treasurer for deposit into the General Fund of the commonwealth. The state treasurer shall account for all such fees received and report said fees annually, itemized by court division, to the house and senate committees on ways and means.

service at a public or nonprofit agency or facility, as approved and monitored by the probation department, for not less than four hours per month. Such waiver shall be in effect only during the period of time that said person is unable to pay his monthly probation fee.

The court may waive payment of either or both of said fees in whole or in part if said person is assessed payment of restitution. In such cases, said fees may be waived only to the extent and during the period that restitution is paid in an amount equivalent to said fee.

Said probation fee shall be collected by the several probation offices of the trial court and transmitted to the state treasurer for deposit into the General Fund. The state treasurer shall account for all such fees received and report said fees annually, itemized by court division, to the house and senate committees on ways and means.

Paragraph (i) of subsection (a) of subsection (1)
SECTION 391. Subsection (1)(a)(i) of section 4a of chapter 1078 of the acts of 1973, as most recently amended by Chapter 589 of the Acts of 1987, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:

There shall be in the executive office of economic development, but not subject to the jurisdiction thereof, a bureau to be known as the bureau of municipal mediation, in this section referred to as the committee.

SECTION 392. Section 58 of chapter 153 of the acts of 1992, as amended by section 49 of chapter 204 of the acts of 1996, is hereby repealed.

SECTION 393. Subsection (h) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:

Recipients not qualifying as exempt under the provisions of subsection (e) shall participate in the work program established by subsection (j).

SECTION 394. Section 2 of chapter 67 of the acts of 1996, as amended by Chapter 184 of the Acts of 2002, is hereby repealed.

SECTION 395. The ninth paragraph of section 2 of chapter 152 of the acts of 1997 is hereby amended by inserting at the end thereof the following: ; provided, however, that the term shall also include the Springfield Civic Center in the city of Springfield, the Hynes Convention Center in the city of Boston, and the Boston common garage in the city of Boston.

SECTION 396. Paragraph (b) of section 10 of chapter 152 of the acts of 1997 is hereby amended by inserting, in line 2, after the words "special receipts," the following words: shall be received and held by the state treasurer or his designee as the trustee of the Convention Center Fund not on account of the commonwealth and.

SECTION 397. Paragraph (b) of section 10 of chapter 152 of the acts of 1997 is hereby amended by striking the last sentence.

SECTION 398. Paragraph (b 1/2) of section 10 of chapter 152 of the acts of 1997 is hereby amended by inserting, in line 2, after the words "special receipts," the following words: shall be received and held by the state treasurer or his designee as the trustee of the Convention Center Fund not on account of the commonwealth and.

SECTION 399. Section 10 of chapter 152 of the acts of 1997 is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:

(c) In order to increase the marketability of any special obligation bonds of the commonwealth described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund, and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this section are hereby impressed with a trust for the benefit of the owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the capital reserve fund described in section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust of security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. Provided that the state treasurer with the concurrence of the secretary of administration and finance, shall have determined that sufficient amounts are or will be held in the Convention Center Fund to meet debt service payments and other amounts required for the foregoing purposes; (i) to pay costs of the heating, ventilating, and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease-purchase agreement for such systems; (ii) to pay start-up costs, not exceeding \$2,000,000, of the project; (iii) to pay costs, not exceeding \$2,000,000, of a feasibility study and preliminary engineering program in accordance with section 38N of chapter 190 of the acts of 1982, as amended, for a parking garage for said project; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate; (v) to defray the net cost of operations of the Authority as defined in section 35 of said chapter 190 of the acts of 1982, as amended; provided, however, that any such expenditures shall be made only in compliance with applicable restrictions relating thereto, including without limitation any coverage requirements, contained in any such trust or security agreement or credit enhancement agreement. Notwithstanding any general or special law to the contrary, the Authority and the secretary of administration and finance may also agree to deposit in the convention center fund all or any part of the revenues of the Boston common parking garage in excess of the costs of maintenance, repair and operation thereof, reasonable reserves for such purposes and cost of debt service on bonds issued to finance the restoration of the Boston common parking garage.

SECTION 400. Section 10 of chapter 152 of the act of 1997 is hereby amended by striking out paragraph (e).

SECTION 401. Paragraph (a) of section 11 of said chapter 152 of the acts of 1997 is hereby amended by adding the following sentence ~~at the end thereof~~:— Such bonds shall be issued for such maximum term of year, not exceeding 30 years, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution, provided, however, that all such bonds shall be payable no later than June 30, 2038.

SECTION 402. Paragraph (c) of section 11 of said chapter 152 ~~of the acts of 1997~~ is hereby amended by adding the following two sentences ~~at the end thereof~~:

Notwithstanding the foregoing, the state treasurer, with the concurrence of the secretary of administration and finance, may fund the Capital Reserve Fund in whole or in part with a surety bond, insurance policy or other form of credit enhancement and the balance on deposit from time to time in the Capital Reserve Fund for all purposes in this section shall be deemed to include an amount equal to the unpaid stated amount of such surety bond, insurance policy or other form of credit enhancement. All amounts drawn on or otherwise received from such surety bond, insurance policy or other form of credit enhancement shall be deposited by the state treasurer in the Capital Reserve Fund except to the extent otherwise provided in the trust or security agreement securing such bonds.

SECTION 403. Paragraph (g) of section 11 of said chapter 152 ~~of the acts of 1997~~ is hereby amended by striking out clause (iii) and inserting in place thereof the following clause:—

(iii) in any fiscal year of the commonwealth, unless and until the treasurer, with the concurrence of the secretary of administration and finance, has determined that special receipts or other pledged funds have been or will be deposited in the Convention Center Fund in an amount sufficient to pay when due the principal, including sinking fund payments, of and interest on all such bonds payable in such fiscal year, and to maintain the capital reserve fund described in section 11, no such special receipts or other pledged funds shall be applied to any other use.

SECTION 404. Section 284 of chapter 194 of the acts of 1998, ~~as amended by Chapter 184 of the Acts of 2002~~, is hereby repealed.

SECTION 405. Section 316 of chapter 194 of the acts of 1998 is hereby repealed.

SECTION 406. Section 357 of chapter 159 of the Acts of 2000, ~~as most recently amended by section 63 of chapter 4 of the acts of 2003~~, is hereby repealed.

SECTION 407. Section 403 of chapter 159 ~~of the acts of 2000, as amended by Chapter 184 of the Acts of 2002~~, is hereby repealed.

SECTION 408. Section 36 of chapter 88 of the Acts of 2001 is hereby repealed.

~~SECTION 409. Sections 91 and 100 of chapter 184 of the Acts of 2002 are hereby repealed.~~

SECTION 410. Section 194 of chapter 184 of the acts of 2002 is hereby repealed.

SECTION 411. Notwithstanding any general or special law to the contrary, during fiscal year 2003, the comptroller shall transfer from the Health Care Security Trust, established under chapter 29D of the General Laws, to the Tobacco Settlement Fund, established under section 2XX of chapter 29 of the General Laws, an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2004 pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. Al., Middlesex Superior Court, No. 95-7378 and 50 per cent of the earnings generated in fiscal year 2004 from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the General Laws.

SECTION 412. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance is hereby authorized to expend not more than 2 percent from any and all capital authorizations to cover salaries, administrative and operational costs of the division for fiscal year 2004. The department shall develop a plan to phase into the budgetary appropriation all personnel costs expended from capital authorizations after June 30, 2001, and that the phase in of these costs shall be complete by June 30, 2005. The division shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the division, and for all administrative and personnel expenses of the division charged to such bonds during fiscal year 2004. All amounts so reported shall be detailed by object code. The division shall file these reports not later than 30 days after the end of each quarter of fiscal year 2004.

SECTION 413. Notwithstanding any general or special law or regulation to the contrary, the secretary of administration and finance shall increase the retailer license fee set forth in 801 CMR 4.02 to \$200 per license; provided, however, that said fee increase shall take effect on July 1, 2003.

SECTION 414. Notwithstanding the provisions of any general or special law to the contrary, the division of purchased services of the department of procurement which, pursuant to section 274 of chapter 110 of the acts of 1993, is responsible for determining prices for programs pursuant to chapter 71B of the General Laws, shall set all such prices in fiscal year 2004 at the same level ~~as in~~ ^{calculated} in fiscal year 2003 except the prices for those programs for Extraordinary Relief, as defined in 808 CMR 1.06(4).

SECTION 415. Notwithstanding any general or special law to the contrary, the division of apprentice training shall charge a fee of not less than \$50 for apprentice program sponsor verification on public bidding projects.

BTR

SECTION 410A. Notwithstanding any general or special laws to the contrary, wherever in the General Laws the words "department of environmental management" appears, it shall be changed to "department of conservation and agriculture", "department of fisheries, wildlife and environmental law enforcement" to "division of fisheries, wildlife and environmental law enforcement", "board of environmental management" to "board of food, agriculture and land preservation", "division of marine fisheries" to "subdivision of marine fisheries", and "division of fisheries and wildlife" to "subdivision of fisheries and wildlife."

63A BTR

BTR

SECTION 410B. Notwithstanding any general or special laws to the contrary, wherever in the General Laws the words "director of economic development" appears, it shall be changed to "director of business development", "director of labor and workforce development" to "director of workforce development", "department of labor and workforce development", to "department of workforce development".

63B BTR

BTR

SECTION 410C. Notwithstanding any general or special laws to the contrary, wherever in the General Laws the words "division of employment and training" appears, it shall be changed to "division of employment security".

63C BTR

BTR

SECTION 410D. Notwithstanding any general or special laws to the contrary, wherever in the General Laws the words "commissioner of the metropolitan district commission" it shall be changed to "division of the metropolitan district commission" and "metropolitan parks" to "division".

BTR

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BTR

SECTION 410E. Notwithstanding any general or special laws to the contrary, wherever in the General Laws the words "department of food and agriculture" appears, it shall be changed to "division of food, agriculture and land preservation", "commissioner of food and agriculture" to "director of food, agriculture and land preservation" and "commissioner of food and agriculture" to director of food, agriculture and land preservation".

63E BTR

BTR

SECTION 410F. Notwithstanding any general or special laws to the contrary, wherever in sections 160 to 168A, inclusive, of chapter 149 of the General Laws the word "commissioner" to "the director of workforce development" "department" to "the department of workforce development".

1.3 F BTR

BTR

SECTION 410G. Notwithstanding any general or special laws to the contrary, wherever in chapter 111F of the General Laws the word DEP" appears, it shall be changed to "DCA" and "DOL" to "DEA".

SECTION 410H. Notwithstanding any general or special laws to the contrary, wherever in the General Laws the words "employment security" appears, it shall be changed to "unemployment assistance", and "DES" to "DUA".

63-8. BTR

SECTION 416. Notwithstanding any general or special law to the contrary, the division of apprentice training shall charge a fee of not less than \$300 to certify apprentice training sponsors.

~~SECTION 417. Notwithstanding any general or special law to the contrary, the division of apprentice training shall charge a fee of not less than \$40 to certify completion of an apprentice training program by an apprentice.~~

SECTION 418. Notwithstanding any general or special law to the contrary, the division of apprentice training shall charge a fee of not less than \$40 for an optician apprentice application.

~~SECTION 419. Notwithstanding any general or special law to the contrary, the division of apprentice training shall charge a fee of not less than \$40 for a veteran apprentice program application.~~

SECTION 420. Notwithstanding the provisions of any general or special law to the contrary, and with the exception of fees charged for the testing of blood lead levels, fees charged by the Division of Occupational Safety authorized in section 197B, subsection (e) of Chapter 111 of the Massachusetts General Laws, section 46F of Chapter 140 of the General Laws, section 6B of Chapter 149 of the General Laws, or fees charged under the minimum wage program pursuant to 801 CMR 4.02, shall be set at a rate not less than twice the rate charged on July 1, 2002.

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section 421
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SECTION 421. Notwithstanding any general or special law to the contrary, the sheriffs and deputy sheriffs of any county that has not been abolished pursuant to the provisions of chapter 34B or other applicable provision of law shall continue to deposit the fees collected pursuant to the civil process fee structure in place under section 8 of chapter 262 of the general laws prior to the effective date of this act to the county treasurer pursuant to section 22 of chapter 37 of the general laws. Fifty per cent of the fees collected by said sheriffs and deputy sheriffs in excess of said prior fee structure on or after July 1, 2003 pursuant to section 388 of this act shall be deposited into the General Fund of the commonwealth and the remaining 50 per cent of the fees so collected by said sheriffs and deputy sheriffs shall be deposited with the county treasurer pursuant to said section 22 of chapter 37. Sheriffs and deputy sheriffs in any county that has been abolished pursuant to the provisions of chapter 34B or any other applicable provision of law shall transmit all fees collected pursuant to the new fee structure established for section 8 of chapter 262 by section 388 of this act to the state treasurer for deposit into the General Fund pursuant to section 5 of chapter 34B of the general laws.

SECTION 422. Notwithstanding the provisions of any general or special law to the contrary, the department of conservation and agriculture is hereby authorized to deposit into a trust account and expend federal reimbursement for out-of-state firefighting costs, so-called, authorized under section 44 of chapter 138 of the Acts of 1991.

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section 423
from page
- 64A -*

SECTION 423. Notwithstanding any general or special law to the contrary, each sheriff receiving an appropriation in items 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145 or 8910-0619 shall file a report with the house and senate committees on ways and means no later than February 2, 2004 detailing the fees charged, revenue received and the compensation structure for deputy sheriffs engaged in the service of process. Said report shall include, but not be limited to, the number of civil process transactions by nature and quantity, fee schedules per transaction established for those transactions where section 8 of chapter 262 of the General Laws afford the sheriff discretion to set the fee, the amount expended on contracts, revenues deposited into the general fund pursuant to section 5 of chapter 34B of the General Laws, revenues retained by said civil process division or sheriff, a five year history of revenues collected from civil process fees, revenues collected per transaction for fiscal year 2003 and expenditures associated with revenues collected by civil process fees.

SECTION 424. Notwithstanding any general or special law or regulation to the contrary, the department of public safety shall charge the following fees; (a) fees for annual elevator inspections shall be at least \$400 per inspection and (b) overtime elevator inspections fees shall be at least \$400 per inspection.

SECTION 425. Notwithstanding any general or special law to the contrary, the division of industrial accidents, the department of public health, the group insurance commission, ~~the office of the secretary of state~~ the division of employment and training, and all state colleges and community colleges receiving funding from the commonwealth, shall take all steps necessary to begin participation in the state comptroller's Intercept Program for overdue receivables.

Each agency and college shall designate 1 officer responsible for coordinating the necessary steps with the office of the state comptroller. The responsible officer shall submit timely and sufficient information to the office of the state comptroller so that the comptroller may examine accounts and demands against the commonwealth as provided in section 3 of chapter 7A of the General Laws.

The state comptroller shall, not later than March 15, 2004, report to the house and senate committees on ways and means on the implementation of Intercept Program participation for the agencies and state and community colleges identified in this section. The report shall also include an estimate on the amount of overdue receivables that is expected to be collected on behalf of the specified agencies and state and community colleges as a result of participation in the Intercept Program in fiscal year 2004.

SECTION 426. Notwithstanding the provisions of any general or special law to the contrary, state agencies and direct and subcontracted providers of health-related services, including purchase-of-service providers, financed from appropriation items in section 2 of this act for any state agency shall maximize Title XIX and all other federal, state and private health insurance coverage available to offset costs to the Commonwealth. The agencies or providers shall collect information from clients, or from the parent or guardian of a minor receiving services, necessary to determine the extent to which clients may be eligible for medical assistance benefits under chapter 118E of the General Laws or are beneficiaries of any health insurance policy. The agency or provider shall forward client information collected under this section to the division of medical assistance and such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for health services or health insurance coverage. As required or permitted by federal law, the division shall return the results of any such data matches to the

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SECTION 421. Notwithstanding any general or special law to the contrary, 50 per cent of the fees collected by any sheriffs and deputy sheriffs, including those sheriffs and deputy sheriffs serving civil process within a county that has not been abolished pursuant to the provisions of chapter 34B ^{of the general laws} or any other applicable provision of law, in excess of the fee structure in place for section 8 of chapter 262 of the general laws prior to July 1, 2003 and pursuant to section 388 of this act shall be transmitted to the state treasurer for deposit into the General Fund of the commonwealth. Each sheriff receiving an appropriation in items 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, 8910-0619 or 8910-0000 of section 2 of this act that fails to file the report required by section 423 of this act on or before February 1, 2004 shall transmit, after February 1, 2004, 100 per cent of the fees so collected in excess of the fee structure in place for said section 8 prior to July 1, 2003 and pursuant to section 388 of this act to the state treasurer for deposit into the General Fund of the commonwealth.

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SECTION 423. Notwithstanding any general or special law to the contrary, each sheriff receiving an appropriation in items 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, 8910-0619 or 8910-0000 shall file a report with the house and senate committees on ways and means no later than February 1, 2004 detailing the civil process fees charged by said sheriff's civil process office, all revenue received from said fees, the compensation structure for deputy sheriffs engaged in the service of process, and the expenditure of revenues generated from the collection of said fees. Said report shall include, but not be limited to, the number of civil process transactions by nature and quantity performed by each civil process office or division annually, fee schedules per transaction for those transactions where section 8 of chapter 262 of the general laws afford the sheriff discretion to set the fee, the organizational/corporate structure of the civil process office or division in relation to the sheriff's office, the role

played by the state or county treasurer in the financial operation of the civil process office or division, an income statement for calendar year 2002, a breakdown of the types and amount of civil process served in 2002, a fee schedule for calendar year 2002, including a list of fees set at the sheriff's discretion, the number of full-time, part-time employees and independent contractors utilized by sheriffs for the service of civil process, the compensation structure used to compensate for such civil process employees and independent contractors, the amount and nature of sheriff's office resources used to support the civil process operation in FY 2002 and FY 2003, the amount and nature of civil process resources used to support the operations and functions of the sheriff's office in FY 2002 and FY 2003, the amount of civil process revenues, if any, deposited into the General Fund of the commonwealth pursuant to section 5 of chapter 34B of the general laws, the amount of civil process revenues, if any, deposited with the county treasurer pursuant to section 22 of chapter 37 of the general laws, the amount of revenues retained by said civil process division or sheriff's office and the statutory authorization relied upon to so retain that amount, a five-year history of all revenues collected from civil process fees, revenues collected per civil process transaction for fiscal year 2003 and, a comprehensive list of all expenditures associated with all revenues generated from the collection of civil process fees.

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originating agency, which shall take the appropriate action to ensure that costs to the commonwealth are minimized. Such actions shall include, but not be limited to, the agency or provider billing or re-billing all verified third-party sources. The executive office of administration and finance may grant an agency or provider an exemption from this section for good cause. The executive office of health and human services and the department of procurement within the executive office of administration and finance shall review regulations, contracting forms, service delivery reports and uniform financial reporting requirements to determine what changes are necessary for the successful implementation of this section.

SECTION 427. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$16,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to certain publicly owned or publicly operated providers. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth's Title XIX state plan and the terms and conditions of agreements reached with the division for such payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall not be less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.

SECTION 428. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer on or before June 30, 2004, without further appropriation, \$30,000,000 from the General Fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2003. Said payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said fund. The comptroller shall transfer from said fund to the General Fund not later than June 30, 2004, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

SECTION 429. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance, in this section called the division, and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Such appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to chapter 118G of the General Laws. Such appropriate action shall include the establishment or renewal of an interdepartmental services agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX. The division may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interdepartmental services agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care trust fund as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G. Any federal funds obtained as a result of said actions shall be deposited in the General Fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds pursuant to this section.

SECTION 430. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities determined to be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share payment adjustments to such qualifying mental health and public health facilities under relevant division of health care finance and policy regulations and the Title XIX state plan on file with the centers for Medicare and Medicaid services. The division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to them from such separate accounts within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds under this section.

SECTION 431. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$32,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to certain acute care hospitals. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the commonwealth's Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless the acute care hospital has executed the division of medical assistance's current Acute Hospital Request for Applications and Contract, and a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions

the Town of Provincetown, which is the owner of Cape End Manor and the City of Taunton, which is the owner of Taunton Nursing Home including but not limited to

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SECTION 435. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall transfer all programs associated with the 2176 home and community based waiver from the executive office of elder affairs to the division of medical assistance. This transfer shall be made with the intent of maximizing federal financial participation and shall be incorporated into a larger initiative to organize the delivery of all long term care services across health and human services. Said executive office shall seek federal reimbursement for all home care services meeting the definition of personal care services in 42 CFR 440.170(f) and case management in 1915(g) of Title XIX, furnished to persons eligible for medical assistance under the provisions of chapter 118E of the General Laws. As a condition of said transfer, said executive office shall continue to utilize Aging Services Access Points, as

defined in section 4B of chapter 19A, as a gateway for elderly long term care services provided by MassHealth pursuant to chapter 118E, Title XIX of the Social Security Act, and the home care program pursuant to the provisions of an interagency service agreement authorized in chapter 19A, including but not limited to the community choices program, so called. The division of medical assistance, in conjunction with Aging Services Access Points and the executive office of health and human services shall provide prescreening and clinical eligibility assessment for institutional and community based services for MassHealth enrollees age sixty and over, and offer prescreening services to privately paying individuals seeking nursing home placements. Said division, in conjunction with Aging Services Access Points, shall be jointly responsible for relocating to community settings elderly persons who are currently residing in institutions, but who wish to live in less restrictive settings, and for whom there are services that are appropriate and available. Said executive office shall report to the house and senate committees on ways and means not later than November 15, 2003 on all state services that are eligible for federal financial participation under the terms of the 2176 waiver, eligible state services for which the state is not currently claiming federal financial participation, and the steps currently being taken to begin claiming federal financial participation on these eligible services.

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SECTION 438.

(A) Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may revise and amend its clinical criteria for payment for nursing facility services.

(B) Notwithstanding any general or special law to the contrary, any resident of a nursing home ^{receiving medical benefits} who meets the criteria in effect prior to July 1, 2003 shall not be subject to the provisions of subclause (A).

(C) Said Division ~~may~~ shall seek a waiver to allow a broader standard ~~for~~ for home and community-based services.

of subsection (o) of section 18 of chapter 118G of the General Laws. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means.

SECTION 432. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$125,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to the University of Massachusetts memorial hospital. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth's Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless University of Massachusetts memorial hospital has executed the division of medical assistance's current Acute Hospital Request for Applications and Contract, and University of Massachusetts medical school makes an intergovernmental funds transfer in an amount specified in an agreement, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws. Not later than 60 days after such expenditure, the University of Massachusetts medical school shall submit to the secretary of administration and finance and the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section.

SECTION 433. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance in collaboration with the division of health care finance and policy shall establish a capitated rate for the non-SSI disabled MassHealth pilot program, so called, as established by this act, which shall not exceed \$600 per member per month and the entire cost of the pilot program shall not annualize to more than \$445,000,000.

SECTION 434. Notwithstanding the provisions of any general or special law to the contrary, during fiscal year 2004 and including the accounts payable period for that fiscal year, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$590,000,000 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2004. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The division of medical assistance shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than 50 per cent of the gross amounts of supplemental payments made by the division of medical assistance under managed care contracts with the commissions.

SECTION 435. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall transfer all programs associated with the 2176 home and community based waiver from the executive office of elder affairs to the division of medical assistance. This transfer shall be made with the intent of maximizing federal financial participation and shall be incorporated into a larger initiative to organize the delivery of all long term care services across health and human services. Said executive office of health and human services shall seek federal reimbursement for all home care services meeting the definition of personal care services in 42 CFR 440.470(f) and case management in 1915(g) of Title XIX, furnished to persons eligible for medical assistance under the provisions of chapter 118E of the General Laws. Said executive office shall report to the house and senate committees on ways and means not later than November 15, 2003 on all state services that are eligible for federal financial participation under the terms of the 2176 waiver, eligible state services for which the state is not currently claiming federal financial participation, and the steps currently being taken to begin claiming federal financial participation on those eligible services.

SECTION 436. Notwithstanding any general or special law or regulation to the contrary, a school district that transports or pays for the transportation of public school children in grades 7 to 12, inclusive, shall also provide transportation or payment for non-public school children in the same grade.

SECTION 437. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall not pay a nursing facility for reserving a bed for residents receiving benefits under chapter 118E of the General Laws who are absent from the facility on so-called medical leaves of absence and non-medical leaves of absence.

SECTION 438. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may revise and amend its clinical criteria for payment for nursing facility services.

SECTION 439. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may develop or amend any standards and regulations applicable to personal care attendant services as the division determines to be necessary and appropriate for the proper and efficient operation of the medical assistance and medical benefits programs administered under chapter 118E of the General Laws.

SECTION 440. Notwithstanding the provisions of any general or special law to the contrary, the division shall, subject to approval or modification by the Secretary in programs where federal funding is available, set limits on the number of adults who can

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SECTION 446. Notwithstanding any general or special law to the contrary, there is hereby established a Fernald Developmental Center Land Reuse Committee. Said committee shall include the mayor of the city of Waltham or his designee, the planning director of the city of Waltham, the ward councilor from the city of Waltham representing the ward in which the campus is located, three citizens of Waltham to be appointed by the mayor of the city of Waltham, the state representative from the ninth Middlesex house district, the state representative from the tenth Middlesex house district, and the senator from the third Middlesex senate district. The commissioner of the division of capital asset management and maintenance and the commissioner of the department of mental retardation shall each appoint a representative from the division and the department, respectively, to be non-voting members of the committee, who shall attend each of the meetings of said committee. Said committee shall be responsible for representing the interests of the town in all deliberations with the division of capital asset maintenance and management about the reuse and future development of the developmental center property. The committee shall, with the assistance of the division, develop a Comprehensive Reuse Consensus Plan for Fernald Developmental Center State Property, which shall provide a detailed description, by parcel, of how said property is to be developed upon closure of the Fernald campus. Said plan shall include a description of any potential environmental degradation of the property, along with a proposal for environmental remediation, and a proposed cost for said cleanup, including, but not limited to, any building demolition required on said site. The goals of said plan may include, but shall not be limited to, preservation of open space, creation of affordable housing, development of new business, the creation of recreational opportunities, the development of new community residences for the mentally retarded consumers of Fernald Center, and any other applicable community priorities. Upon approval by the reuse committee, said plan shall be presented to the Waltham City Council for approval, and, if endorsed by majority vote of the council, filed with the division of capital asset management and maintenance. Said plan shall also be submitted to the chairs of the house and senate committees on ways and means, and to the house and senate chairs of the joint committee on state administration, along with copies of authorizing legislation, if any, necessary to effectuate the provisions of the reuse plan. If said reuse plan provides for the conveyance of land from the state to the city of Waltham, said legislation shall provide that the price paid for such parcel be for the full and fair market value of the property determined by independent appraisal, for the uses described in the plan, including, but not limited to, any restrictions or and requirements imposed by said plan. Said reuse committee shall meet as necessary to complete said reuse plan, but shall not meet less than once per month.

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receive benefits under any one or more of the following provisions: clauses (d), (e), (h) or (i) of subsection (2) of section 9A of this chapter, or sections 9C, 16 or 16D of this chapter. When an eligibility limit has been reached or exceeded, whether or not limited to higher income levels, the division may close enrollment but must provide written notification to the General Court at least 30 days in advance of taking such action. The division may close enrollment until such time or under such circumstances as the Division shall determine and of which shall notify the General Court. This provision shall be effective for applications submitted after the effective date of this act or after such later date as approved by said secretary.

SECTION 441. Notwithstanding any general or special law to the contrary, the Department of Workforce Development shall administer the one-stop career centers, so-called, and shall contract with the Division of Employment Security, to ensure, through all reasonable efforts, the smooth and uninterrupted processing of applications and delivery of benefits.

SECTION 442. Notwithstanding any general or special law to the contrary, the Department of Workforce Development shall not charge more than \$52,800 for annual lease costs for the Lowell Community Counseling Center at 271 Summer Street.

SECTION 443. Notwithstanding section 108L of chapter 41 of the general laws, or any general or special law to the contrary, any city or town which accepts the provisions of section 108L of chapter 41 of the General Laws after July 1, 2002 and provides annual career incentive bonus payments for police officers, shall not be reimbursed by the commonwealth for the commonwealth's share of those payments before fiscal year 2010.

SECTION 444. Notwithstanding any general or special law to the contrary, the comptroller shall transfer to the Stabilization Fund, established pursuant to section 2H of chapter 29, as amended by section 13(a) of chapter 177 of the acts of 2001, the full amount of any proceeds resulting from the sale of any and all state surplus property.

SECTION 445. Notwithstanding any provision of this act or any general or special law to the contrary, not more than one counsel shall be paid from the amounts appropriated in items 0321-1500 and 0321-1510 of section two of this act for representation of a party in civil proceedings pending in a trial court or courts pursuant to sections 23(a), 24, 26, 39E, through 39I, inclusive, of chapter 119 of the General Laws or section 3 of chapter 210 of the General Laws.

Insert Section 446 from page 66A

~~SECTION 446. Notwithstanding any general or special law to the contrary, there is hereby established a Fernald Developmental Center Land Reuse Committee. Said committee shall include the mayor of the city of Waltham or his designee, the planning director of the city of Waltham, the ward councillor from the city of Waltham representing the ward in which the campus is located, three citizens of Waltham to be appointed by the mayor of the city of Waltham, the state representative from the ninth Middlesex house district, the state representative from the tenth Middlesex house district, and the senator from the third Middlesex senate district. The commissioner of the division of capital asset management and maintenance shall appoint a representative from the division to be a non-voting member of the committee, and who shall attend each of the meetings of said committee. Said committee shall be responsible for representing the interests of the town in all deliberations with the division of capital asset maintenance and management about the reuse and future development of the developmental center property. The committee shall, with the assistance of the division, develop a Comprehensive Reuse Consensus Plan for Fernald Developmental Center State Property, which shall provide a detailed description, by parcel, of how said property is to be developed upon closure of the Fernald campus. Said plan shall include a description of any potential environmental degradation of the property, along with a proposal for environmental remediation, and a proposed cost for said cleanup, including, but not limited to, any building demolition required on said site. The goals of said plan may include, but shall not be limited to, preservation of open space, creation of affordable housing, development of new business, the creation of recreational opportunities, the development of new community residences for the mentally retarded consumers of Fernald Center, and any other applicable community priorities. Upon approval by the reuse committee, said plan shall be presented to the Waltham City Council for approval, and, if endorsed by majority vote of the council, filed with the division of capital asset management and maintenance. Said plan shall also be submitted to the chairs of the house and senate committees on ways and means, and to the house and senate chairs of the joint committee on state administration, along with copies of authorizing legislation, if any, necessary to effectuate the provisions of the reuse plan. If said reuse plan provides for the conveyance of land from the state to the city of Waltham, said legislation shall provide that the price paid for such parcel be for the full and fair market value of the property determined by independent appraisal, for the uses described in the plan, including, but not limited to, any restrictions or requirements imposed by said plan. Said reuse committee shall meet as necessary to complete said reuse plan, but shall not meet less than once per month.~~

SECTION 447. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in item 0526-0111 in section 2A of chapter 55 of the Acts of 1999 shall be available for expenditure until June 30, 2005.

SECTION 448. Notwithstanding any general or special law to the contrary, the secretary of the executive office of health and human services shall immediately begin, as of the effective date of this act, to seek approval from the federal administrator of the centers for medicare and medicaid services to designate Boston Medical Center, so called, a nominal charge provider, as defined in 42 U.S.C. § 409.3 as a provider that furnishes services free of charge or at a nominal charge and is either a public provider, or another provider that (1) demonstrates to HCFA's satisfaction that a significant portion of its patients are low-income, and (2) requests that payment for its services be determined accordingly. Said secretary shall report monthly to the house and senate committees on ways and means on the progress of said negotiations and shall notify said committees within ten days of the approval of said designation. Said executive office shall take all steps necessary to ensure the completion of this process by June 30, 2004 and the implementation of said designation by July 1, 2004.

SECTION 449. Notwithstanding the provisions of any general or special law to the contrary, the following payments shall be made from the Health Care Quality Improvement Trust Fund in fiscal year 2004 utilizing monies accumulated in said fund during

August

0526-0101 and

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END OF SECTION
449 ON PAGE 68

(5) \$1,500,000 to the city of Haverhill over a period of two years for the severe financial hardship resulting from maintaining critical health services through the operation of the former municipally-owned Hale Hospital. Said funds may be utilized for the expenses relative to health insurance and pension costs attributable to retirees of Hale Hospital retirees during fiscal years 2004 and 2005.

(6) \$2,500,000 for the administration of the uncompensated care pool claims process. The division of health care finance and policy shall contract with a third party administrator equipped to carry out the provisions of section 1 of chapter 118G, as amended by this act.

and moves that the bill be further amended in section 450 by inserting at the end thereof the following paragraphs:—

(c) The Division of Medical Assistance shall seek a waiver from the uniformity provisions of 42 U.S.C. 1396(w)(b) to mitigate the impact of the user fee on non profit continuing care retirement communities and non profit residential care facilities, provided that any facility included in the waiver calculation shall be established as a non profit entity.

(d) As a condition of receiving any of the funds allocated in this section, all participating nursing homes shall, for the purposes of a medical leave of absence for Medicaid eligible residents, ensure that the bed in said facility occupied by said resident before the hospitalization shall be available upon the return of said resident from an inpatient acute hospital stay for a period of not less than ten days.

fiscal year 2003 as a result of the prohibition of retroactive application of rate increases to nursing homes approved by section 180 of chapter 184 of the Acts of 2002:

(1) \$6,500,000 for grants to community health centers for one-time grants for costs incurred by the development of the staff and infrastructure necessary to accommodate the MassHealth disabled population pilot project as mandated by this act and to mitigate the effect of changes made to clause (g) of section 9A of chapter 118E of the General Laws by chapter 184 of the Acts of 2002;

(2) \$5,000,000 for a one-time rate enhancement for physicians providing services to persons receiving benefits pursuant to Chapter 118E of the General Laws in non-hospital settings;

(3) \$5,000,000 for the purpose of awarding one-time grants to community health centers for capital, equipment, and other costs for the purpose of increasing access to health care for medically underserved populations or areas of the commonwealth through extended hours and innovative urgent care strategies including but not limited to diverting non-emergency visits from hospital emergency departments. The criteria for awarding such grants shall include, but not be limited to, the lack of sufficient access to cost-effective outpatient services in the geographic area of the applicant, the ability of the applicant to implement cost-effective services, the ability of the applicant to financially sustain the program in future years, the long-term viability of the applicant, and any other criteria the commissioners of said divisions deem appropriate. An advisory group consisting of the secretary of health and human services, who shall chair the group, the commissioner of the division of medical assistance, the commissioner of the department of public health, the executive director of the Massachusetts league of community health centers, or their designees, shall recommend to the commissioner of health care finance and policy not later than 45 days after the effective date of this act the most efficacious means of awarding said grants consistent with the provisions of this section. The grants shall be awarded not later than six months after the effective date of this act. The commissioner of health care finance and policy shall submit a report to the house and senate committees on ways and means when said grants are awarded, specifying which community health centers will receive funds from this item and the amounts and uses of the awards; and

(4) \$4,000,000 to provide a one-time enhanced medicaid rate to the managed care organization that contracts to run the MassHealth non-SSI disabled population pilot program as established by this act.

Insert from page 67A

SECTION 450. (a) Notwithstanding any general or special law to the contrary, in fiscal year 2004, the division of health care finance and policy shall establish nursing facility Medicaid rates, payable out of the Health Care Quality Improvement Trust Fund, established pursuant to section 2EEE of chapter 29 of the General Laws as amended by Chapter 184 of the Acts of 2002, effective July 1, 2003 through June 30, 2004 that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002. Said division shall adjust per diem rates to reflect any reductions in medicaid utilization. Payments from said fund shall be allocated in the following manner in fiscal year 2004:

(1) effective July 1, 2003, an annual amount of \$99,000,000 in aggregate to fund the use of 2000 base year cost information for rate determination purposes. For nursing facility Medicaid rates effective July 1, 2003 through June 30, 2004 established by the division of health care finance and policy under 114.2 CMR 6.00 the division shall establish rates that include \$64,000,000 to fund the annual amount established under the division's July 1, 2002 regulation under 114.2 CMR 6.00 and at least an additional annual amount of \$21,500,000 shall be allocated to reset nursing standard payments in effect as of February 28, 2003 under 114.2 CMR 6.00 and at least an additional annual amount of \$14,000,000 to reset the other operating standard payments in effect as of February 28, 2003;

(2) effective July 1, 2003, an annual amount of \$122,500,000 for enhanced payment rates to nursing homes, but that shall be at least equal to the amount totaling the user fee assessments levied on nursing homes' residents eligible for Medicaid;

(3) effective July 1, 2003, an annual amount of \$50,000,000 to fund a rate add-on for wages, hours and benefits and related employee costs of direct care staff of nursing homes. As a condition for such rate add-on, the division of health care finance and policy shall require that each nursing home document to said division that such funds are spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which document actual nursing spending that is higher than the median nursing cost per management minute in the base year used to calculate Medicaid nursing facility rates. A facility's direct care staff shall include any and all nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by the facility from any temporary nursing agency or nursing pool registered with the department of public health. The division shall credit wage increases that are over and above any previously collectively bargained for wage increases. In monitoring compliance for this rate add on, the division's regulations shall adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including, but not limited to, rate reductions or eligibility changes imposed on or after October 1, 2002. The expenditure of these funds shall be subject to audit by said division in consultation with the department of public health and the division of medical assistance. In implementing this section, the division shall consult with the Nursing Home Advisory Council;

(4) effective July 1, 2003, an annual amount of \$17,000,000 to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by the division of medical assistance, in consultation with the division of health care finance and policy, that meet quality standards established by the division of medical assistance in conjunction with the department of public health and the division of health care finance and policy for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes, and to fund rate adjustments to eligible nursing homes that meet utilization standards established by the division of medical assistance in consultation with the division of health care finance and policy for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents to non-institutional settings;

(5) \$300,000 for the purposes of an audit of funds distributed pursuant to clause (3) of this paragraph. The division of health care finance and policy, in consultation with the department of public health and with the assistance of the division of medical assistance, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (e), including but not limited to, recoupment, assessment of fines or interest. The division shall report to the house and senate committees on ways and means not later than October 1, 2004 a preliminary analysis of funds expended pursuant to said subsection in fiscal year 2004 and a description and timeline for auditing of these funds;

(6) \$250,000 to fund expenses at the division of health care finance and policy related to the implementation and administration of sections 25 and 26 of chapter 118G of the General Laws;

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SECTION 454. Notwithstanding any general or special law to the contrary, the executive office for administration and finance shall develop and implement an \$800,000,000 per year capital program. Said executive office shall not issue more than \$800,000,000 in general obligation debt in fiscal years 2004, 2005, 2006, 2007 and 2008. Said executive office shall file a 5 year capital plan no later than September 1, 2003 with the house and senate committees on long term debt detailing by executive office, agency, project and capital authorization line item how said \$800,000,000 shall be allocated each year of the 5 year plan. ~~Provided, that if more than \$20,000,000 in bonds are issued during fiscal year 2004 then the following shall occur prior to June 30, 2004; (a) not less than \$20,000,000 shall be issued and expended for the purposes of affordable housing; (b) that the executive office of administration and finance in cooperation with the executive office of environmental affairs and the department of environmental protection, shall authorize and issue bonds to fully meet its obligations under the biosolids improvement project grant award #WPC-MASS-S141 and #WPC-MASS-S142 by June 30, 2006; (c) that the executive office of administration and finance in cooperation the Metropolitan District Commission or any successor agency that will administer the Connors Memorial swimming pool is hereby authorized and directed to authorize and issue bonds and shall undertake the design and reconstruction of the Connors Memorial swimming pool in the city of Waltham and said project shall be completed under the supervision of the engineering and construction division of the commission or succeeding agency; (d) the Blackstone Housing Authority shall receive a capital appropriation for replacement of a fire alarm protection system that does not meet the minimum requirements prescribed in the Massachusetts Comprehensive Fire Safety Code.~~

The provisions of this section shall be deemed severable, and if any part of this section shall be adjudged unconstitutional or invalid, such judgment shall not affect other valid parts of this section or this act.

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452.

SECTION 452. Notwithstanding the provisions of any general or special law to the contrary, all school facilities capital or major reconstruction projects which have received final municipal approval by a favorable vote by the legislative body of any municipality, subject to its charter, on or before June 30, 2003 shall be placed on the priority waiting list for reimbursement pursuant to section 10 of chapter 70B of the General Laws at the rate for which it would have been eligible on January 31, 2003. The priority categories set forth in section 8 of chapter 70B shall not be used to restrict any eligible project from placement on the priority list but may be used to rank new projects for placement on the priority list. Notwithstanding any general or special law to the contrary, the board of education shall not accept any applications for the school building

assistance program established in chapter 70B of the General Laws, until after July 1, 2007.

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(7) an amount sufficient to implement the provisions of section 622 of chapter 151 of the acts of 1996; and
(8) payment for services provided to MassHealth members by pharmacies participating in MassHealth including an enhanced Medicaid rate in the amount of \$24,000,000 to those pharmacies who are classified by the Division of Health Care Finance and Policy as non-chain pharmacies, so called. Such rate may be paid in a manner determined by the division which shall take into account, but not be limited to, the costs incurred by non-chain pharmacies through delivery services provided by said businesses.

(b) The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the divisions of health care finance and policy and medical assistance to provide the appropriate rate increases to nursing homes and payment of dispensing fees to pharmacies.

SECTION 451. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall seek federal approval to amend their medicaid state plan to eliminate coverage of optional methadone clinic services and transportation for all MassHealth beneficiaries as defined in Chapter 118E of the General Laws. Said division shall report to the house and senate committees on ways and means within ten days of receiving approval from the centers for medicare and medicaid services, so called, to implement said elimination and shall submit an updated copy of 130 CMR 418.401 et seq. which shall be reflective of the changes directed by the provisions of this item.

Insert Section 452 From PMS - LSA
~~SECTION 452. Notwithstanding any general or special law to the contrary, the board of education shall not accept any applications for the school building assistance program established in chapter 70B of the General Laws, and after July 1, 2007.~~

SECTION 453. (a) Notwithstanding the provisions of any general or special law to the contrary, in fiscal year 2004 education finance aid distributed to each city, town, regional school district, independent agricultural school and county maintaining an agricultural school from funds appropriated in item 7061-0008 shall be as set forth in section 3 of this act. Unless legislation is enacted to effect comprehensive revision of the education finance formula established in chapter 70 of the General Laws, education finance aid for each such city, town, regional school district, independent agricultural school and county maintaining an agricultural school shall be as follows: in fiscal year 2005, an amount equal to the amount provided in fiscal year 2004 plus the additional amount necessary to ensure that net school spending for each district shall be not less than the foundation budget amount; in fiscal year 2006, an amount equal to 101 per cent of the amount provided in fiscal year 2005 plus the additional amount necessary to ensure that net school spending for each district shall be not less than the foundation budget amount; and in fiscal year 2007, an amount equal to 101 per cent of the amount provided in fiscal year 2006 plus the additional amount necessary to ensure that net school spending for each district shall be not less than the foundation budget amount.

(b) In each of the fiscal years 2005, 2006 and 2007, \$20,000,000 shall be expended for aid to address the police, fire and critical public health needs of distressed municipalities pursuant to the conditions set forth in item 1231-2000.

(c) In each of the fiscal years 2005, 2006 and 2007, \$10,000,000 shall be expended for the education reform funding reserve pursuant to the conditions set forth in item 7061-0011.

(e) The amount necessary to fund the obligations set forth in paragraphs (b) and (c) shall be funded through savings realized from the bond refinancing savings initiative.

Insert Section 454 From PMS - LSA
~~SECTION 454. Notwithstanding any general or special law to the contrary, the executive office for administration and finance shall develop and implement an \$800,000,000 per year capital program. Said executive office shall not issue more than \$800,000,000 in general obligation debt in fiscal years 2005, 2006, 2007 and 2008. Said executive office shall file a 5 year capital plan no later than September 1, 2003 with the house and senate committees on long term debt detailing by executive office, agency and capital authorization line item how said \$800,000,000 shall be allocated each year of the 5 year plan.~~

~~SECTION 455. Notwithstanding any general or special law to the contrary, sections 52 through 56, inclusive, of chapter 7 of the general laws shall not apply to the executive office of transportation and construction or the university of Massachusetts during fiscal year 2004; provided, however, that any agreement or combination or series of agreements entered into by the executive office of transportation and construction or the university of Massachusetts during said fiscal year by which a non-governmental person or entity agrees to provide services to said executive office, said university or any agency or department under their auspices, valued at one hundred thousand dollars or more, which are substantially similar to and in lieu of, services theretofore provided, in whole or in part, by regular employees of said executive office, said university or any agency or department under their auspices shall not be for a term to exceed 2 calendar years. On or before July 15, 2004, said executive office and said university shall file a report with the secretary of administration of finance and the house and senate committees on ways and means detailing the number and nature of any such agreements entered into by said executive office or said university during fiscal year 2004. Said report shall include, but not be limited to, the following: (1) a written statement of the services to be the subject of the agreement(s) entered into, including the specific quantity and standard of quality of the subject services (2) the term of the agreement(s) (3) the estimated cost of the services to be provided over the term of the agreement and (4) the current cost to the commonwealth for the provision of said services as said services are provided by regular employees of said executive office, said university or any agency or department under the auspices of said executive office or university.~~

~~On or before August 15, 2005, said executive office and said university shall file a report with the secretary of administration of finance and the house and senate committees on ways and means which shall include, but not be limited to the following: (1) a comprehensive written analysis of the actual cost to the commonwealth that was incurred from said agreement during the term of the agreement, specifically including the costs of transition from public to private operation, of additional unemployment and retirement benefits, if any, and of monitoring and otherwise administering contract performance; (2) a comparison of said actual cost to the prior actual cost of the provision of the same services as previously provided by the regular agency employees that most recently provided said services and (3) a comprehensive written analysis of the quality of the services that were provided by the entity during the term of the agreement(s) and whether said quality, in the opinion of said executive office or said university, fell short of equalled, or surpassed the level of quality which was provided by the regular agency employees that previously provided said services.~~

SECTION 455. Notwithstanding any general or special law to the contrary, sections 52 through 55, inclusive, of chapter 7 of the general laws shall not apply to the division of capital asset and management and the bureau of state office buildings during fiscal years 2004 and 2005; provided, however, that any agreement or combination or series of agreements entered into by the, the division of capital asset and management and the bureau of state office buildings during said fiscal year by which a non-governmental person or entity agrees to provide services to said division or bureau or any other agency or department for which said department or bureau has agreed to provide facilities management services that are specifically authorized, valued at one hundred thousand dollars or more, which are substantially similar to and in lieu of, services theretofore provided, in whole or in part, by regular employees of said division or bureau or any agency or department for which said department or bureau has agreed to provide facilities management services that are specifically authorized shall not be for a term to exceed 2 calendar years. On or before July 15, 2004, said division and bureau shall separately file a report with the secretary of administration of finance and the house and senate committees on ways and means detailing the number and nature of any such agreements entered into by said division and bureau during fiscal year 2004. Said report shall include, but not be limited to, the following: (1) a written statement of the services to be the subject of the agreement(s) entered into, including the specific quantity and standard of quality of the subject services (2) the term of the agreement(s) (3) the estimated cost of the services to be provided over the term of the agreement and (4) the current cost to the commonwealth for the provision of said services as said services are provided by regular employees of said division or bureau or any agency or department for which said department or bureau has agreed to provide facilities management services that are specifically authorized of said division or bureau.

On or before August 15, 2005, said division and bureau shall separately file a report with the secretary of administration of finance and the house and senate committees on ways and means which shall include, but not be limited to the following: (1) a comprehensive written analysis of the actual cost to the commonwealth that was incurred from said agreements during the term of said agreements, specifically including the costs of transition from public to private operation, of additional unemployment and retirement benefits, if any, and of monitoring and otherwise administering contract performance; (2) a comparison of said actual cost to the prior actual cost of the provision of the same services as previously provided by the regular agency employees that most recently provided said services and (3) a comprehensive written analysis of the quality of the services that were provided by the entity during the term of the agreement(s)

and whether said quality, in the opinion of said division or bureau fell short of equaled, or surpassed the level of quality which was provided by the regular agency employees that previously provided said services.

Insertion
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SECTION 457.

~~Section 457~~ (a) There is hereby established an early education and care advisory council which shall develop a comprehensive plan to coordinate, integrate and streamline publicly funded early education and care administration and functions. Said council shall consist of the commissioner of the office of child care services, the commissioner of the department of education, the chancellor of the board of higher education, one representative of business or industry, selected by the governor with a demonstrated commitment to early education and care, one pre-school teacher who resides and teaches in the commonwealth, one representative of a labor union with a demonstrated commitment to early education and care, a parent and consumer of early education and care services, a provider of early education and care services, and three additional members selected by the governor.

(b) Said comprehensive plan shall make recommendations to: (1) coordinate resources and public funding streams for early education and care, including but not limited to funding administered by the office of child care services and the department of education in order to improve effectiveness, avoid duplication of effort, and to provide flexible services that meet the diverse needs of children and families; (2) ensure regulatory, funding and administrative alignment, including, but not limited to streamlining administrative paperwork and addressing inconsistencies and conflicts in subsidy eligibility criteria, sliding-fee scales, reimbursement rates, services, regulations, and policies among publicly funded agencies; (3) strengthen consumer education relative to early education and care resources; and (4) create an effective data collection system to support the necessary functions of a consolidated system of early care to enable accurate evaluation of its impact. In developing its recommendations, the council shall evaluate the current systems of child care and early education delivery relative to administrative costs, quality of care, quality of education, training and education of early education and care providers and expenditure tracking accountability. The council shall submit its report and recommendations to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on education, arts and humanities not later than December 31, 2003.

~~This section shall not apply to any agreement proposed during fiscal year 2004 by which a non-governmental person or entity seeks to provide services currently provided by the employees of the Massachusetts Bay Transportation Authority.~~

SECTION 456. Notwithstanding paragraph (a) of subsection (xii) of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2004, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the trial court department. Said transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. Said schedule shall include the following: (1) the amount of money transferred from one item of appropriation to another; (2) the reason for the necessity of such transfer; and (3) the date on which said transfer is to be completed. ~~No such transfer shall occur until said house and senate committees on ways and means have approved said schedules.~~

SECTION 457. (a) There is hereby established an early education and care advisory council which shall develop a comprehensive plan to coordinate, integrate and streamline publicly funded early education and care administration and functions. Said council shall consist of the commissioner of the office of child care services, the commissioner of the department of education, the chancellor of the board of higher education, one representative of business or industry, selected by the governor with a demonstrated commitment to early education and care, one pre-school teacher who resides and teaches in the commonwealth, one representative of a labor union with a demonstrated commitment to early education and care, a parent and consumer of early education and care services, a provider of early education and care services, and three additional members selected by the governor.

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SECTION 458. Notwithstanding any general or special law to the contrary, a portion of the proceeds of any debt refinancing savings may be expended on information technology projects and their related costs, subject to appropriation.

SECTION 458A. Notwithstanding any general or special law, rule or regulation to the contrary, the registry of motor vehicles shall use the National Automotive Dealers Association automobile pricing guides to estimate the sales tax due on motor vehicles. Said registry shall not institute a new pricing valuation system based on the Blue Book system, so-called.

SECTION 459. The amounts transferred pursuant to section 5B of chapter 29, as amended by this act, shall be made available for the Commonwealth's Pension Liability Fund established under section 22 of chapter 32 of the General Laws. The amounts transferred pursuant to said section 5B of said chapter 29 shall meet the commonwealth's obligations under section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. Subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer may make such payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to subsection (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this item shall be made only pursuant to distribution of monies from the fund, and any such distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution. Such distributions shall not be made in advance of the date on which a payment is actually to be made. The state retirement board may expend an amount for the purposes of the higher education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to section 5B of said chapter 29 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth.

SECTION 460. The secretary of the executive office of environmental affairs shall coordinate the delivery of services of the departments and divisions under his control to ensure the protection of the air, water, natural resources and land of the commonwealth and to provide support for the provision of recreational activities for the citizens of the commonwealth. In conducting said duties, the secretary shall also work in coordination with departments and division under his control to provide continued support for the recreational facilities currently operated in the commonwealth. The secretary shall continue to maintain the public appreciation and enjoyment of the commonwealth's natural resources, including bicycle and walking paths, hiking trails, beaches, and other public open space. To effectuate the aforementioned policies, the secretary shall ensure the following: (1) all pools and

No such transfer shall occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means, have approved said schedules.

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spray pools under the jurisdiction of said executive office shall remain open for not less than 10 weeks during the summer months; (2) all rinks under the jurisdiction of said executive office shall be open from September through June; (3) all golf courses under the jurisdiction of said executive office shall be maintained and groomed and open to the public for reasonable rates April through November; (4) all playgrounds, tennis courts, local parks, athletic fields and stadia under the jurisdiction of said executive office shall be open for the public use year round and shall be clean and safe for the citizens of the commonwealth; (5) all beaches shall be staffed by lifeguards during the summer swimming season and the beaches shall be cleared of litter and other pollutants; (6) all 750 lane-miles of parkways shall be repaired and kept in good operating condition, including the removal of snow, paving of potholes, and other weather-related damage.

SECTION 461. Pursuant to the provisions of sections 25 and 26 of chapter 118G of the General Laws, as appearing in the 2000 Official Edition, the amount of the fiscal year 2004 assessment imposed by said sections shall be sufficient in the aggregate to fund the fiscal year 2004 expenditures detailed in section 450 of this act, taking into account federal financial participation made available by such expenditures. The division of health care finance and policy may adjust the assessment by no more than 3 percent of the total amount specified in statute in order to comply with state and federal law. Said division may also specify by regulation appropriate policies and procedures to provide for the determination and periodic re-determination of assessment rates, including any requirements for data reporting that the division determines necessary to monitor revenues and compliance.

~~SECTION 462. Sections 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 55, 61, 110, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 180, 195, 196, 252, 273, 280, 288, 334, 405, 406, and 408 shall take effect on June 30, 2003. The comptroller shall transfer not more than \$90,000,000 from the balances of the funds repealed by said sections to the Uncompensated Care Trust Fund, to be used for a one-time, non-recurring cash transfer to mitigate the anticipated Uncompensated Care Pool shortfall in fiscal years 2003 and 2004 and to serve as a temporary funding source pending federal approval of the nominal charge provider status as provided for in this act. Any remaining balance after said transfer shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 21 of chapter 20 of the General Laws, as amended by section 10(a) of chapter 177 of the acts of 2001.~~

~~SECTION 463. Section 111 shall take effect on June 30, 2003, at which time the comptroller shall transfer any remaining balance in said fund, positive or negative, to the General Fund.~~

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~~SECTION 464. The provisions of sections 224 and 225 shall apply to individuals dying on or after the effective date of this act.~~

~~SECTION 465. As of June 30, 2000, any reference to a fund listed in sections 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 55, 61, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 180, 195, 196, 252, 273, 280, 288, 334, 405, 406, and 408 in any general law or special act, shall be construed to refer to the General Fund.~~

~~SECTION 466. Sections 362 and 367 of this act shall be effective on October 1, 2003.~~

~~SECTION 467. Section 19 of this act shall expire on June 30, 2005.~~

~~SECTION 468. Section 19A of this act shall take effect on July 1, 2005.~~

2005

~~SECTION 469. Section 455 of this act shall expire on June 30, 2005.~~

Section 461 A. Section 19 shall take effect June 30, 2007

The secretary shall coordinate the delivery of services of the departments and divisions under his or her control to ensure the protection of air, water, land, and other natural resources of the commonwealth and to provide support for the acquisition, management, utilization, and conservation of habitat for native flora and fauna. The secretary shall continue to assure the health and viability of the commonwealth's biodiversity for future generations. To effectuate the aforementioned policies, the secretary shall ensure that following: (1) Provide assistance to the departments and divisions under his or her control, including the administration of funds to cities and towns, for the acquisition of interests in land for conservation purposes; (2) Develop partnerships with private, non-profit and other entities that will augment the commonwealth's stewardship and acquisition of such lands; (3) Monitor and enforce all conservation restrictions held by the commonwealth; (4) Enforce all laws and regulations promulgates for the protection of watersheds, lakes, ponds, rivers, streams, coastal and inland wetlands; (5) Develop natural resource management plans for all state forests, reservation, and wildlife management areas; (6) Ensure that sustainable forestry management practices are employed on all state-owned lands, and that such practices are coordinated with private

forestland management practices to achieve landscape-scale goals; (7) Promote the sustainable economic development of the private agricultural and forestry resources of the commonwealth; (8) Promote research and monitoring to establish ecological benchmarks for assessing the health and viability of the commonwealth's biodiversity.